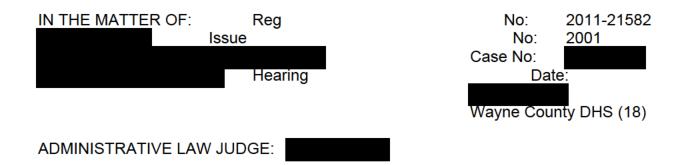
STATE OF MICHIGAN MICHIGAN ADMINISTRATIVE HEARING SYSTEM ADMINISTRATIVE HEARINGS FOR THE DEPARTMENT OF HUMAN SERVICES



HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37 upon the Claimant's request for hearing. After due notice, a telephone hearing was conduced ted from Detroit, Michigan on Claimant appeared and testified.

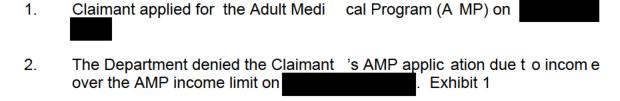
FIM appeared and testified on behalf of the Department.

ISSUE

Whether the Department pr operly denied the claimant's Adult Medical Program ("AMP") benefits based on the Claimant's income exceeding the AMP income limit.

FINDINGS OF FACT

The Administrative Law Judge, based on the competent, material and substantial evidence on the whole record, finds as material fact:



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3. At the time of the application, the Claimant was receiving per week in earnings from his employment. This amount was confirmed by the Claimant.

- 4. The Claimant's countable income was per month. Exhibit 2.
- 5. The Depar tment credited the Claimant for court ordered child support payments in the amount of per month. Exhibit 2
- 6. The Department determined that the Claimant's gross income of exceeded the income limit for AMP. Exhibit 2
- 7. The Claimant reques ted a hearing on hearing regarding the denial of his application for medical assistance.

CONCLUSIONS OF LAW

The Adult Medical Pr ogram (AMP) is establis hed by Title XXI of the Social Security Act; (1115) (a) (1) of the Social Security Act, and is administ ered by the Department of Human Services (formerly known as the Family Independence Agency) pursuant to MCL 400.10, et se q.. Department policies are contained in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Program Reference Manual (PRM).

The Adult Medical Pr ogram (AMP) is available to individuals who meet all the eligibility factors. BEM 640. There are two categor ies of AMP. The G program (AMP-G) is for SDA cash payment recipients who are not eligible for MA or other Department medical programs, and who do not have private health care coverage. The H program (AMP-H) is available to clients who receive medical benefits only. BEM 640, p. 2. The Claimant if eligible for AMP would be in the H category.

Income eligibility exis ts when the app licant's net income does not exceed the program group's AMP income limit. BEM 640, p. 3, RFT 236. C ountable income is income remaining after applying AMP policy in BEM 500. Id. Only available income is used. Available means income which is received or can reasonably be anticipated.

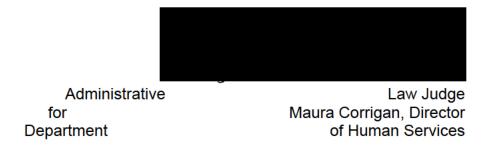
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The monthly inc ome limit in October 2010 for an AM P group of one living independently was per month. BEM 640, RFT 236. In the present case, Claimant received earnings from his employment in the amount of per week, for a per m onth (X4 =. Det ermining net earned income is total of calculated deducting plus 20% (X 20% = The Department correctly computed the total net earned income.

The Department also credited (deducted) the Claimant's mont hly child support expense in the court ordered amount of ______. The budget submitted by the Department finding the Claimant's income of _______ per month exceeded the income eligibility limit for AMP of ______ was correct. Based upon the for egoing facts and relevant law, it is found that the D epartment's determination to deny the Claimant's AMP applic ation due to excess income is AFFIRMED.

DECISION AND ORDER

The Administrative Law Judge, based upon the findings of fact and conc lusions of law, finds that the Depar tment's decision to deny the Cla imant's application for AMP benefits because the Claimant's income exceeded the AMP income limit is AFFIRMED.



Date Signed: 05/04/11

Date Mailed: 05/06/11

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NOTICE: Administrative Hearings may or der a rehearing or reconsideration on either its own motion or at the request of a party within 30 days of the mailing date of this Decision and Order. Administrative Hear ings will not orde rarehearing or reconsideration on the Department's motion where the final decision cannot be implemented within 90 days of the filing of the original request.

The Claimant may appeal the Decision and Order to Circuit Court within 30 days of the mailing of the Decision and Order or, if a ti mely request for rehearing was made, within 30 days of the receipt date of the rehearing decision.

LMF/dj

