

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

IN THE MATTER OF: Reg
Issue
Hearing

No: 2011-21582
No: 2001
Case No:
Date:
Wayne County DHS (18)

ADMINISTRATIVE LAW JUDGE:

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 conducted from Detroit, Michigan on . The Claimant appeared and testified. FIM appeared and testified on behalf of the Department.

ISSUE

Whether the Department properly 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:

1. Claimant applied for the Adult Medical Program (AMP) on .
2. The Department denied the Claimant's AMP application due to income over the AMP income limit on . Exhibit 1

3. At the time of the application, the Claimant was receiving [REDACTED] per week in earnings from his employment. This amount was confirmed by the Claimant.
4. The Claimant's countable income was [REDACTED] per month. Exhibit 2.
5. The Department credited the Claimant for court ordered child support payments in the amount of [REDACTED] per month. Exhibit 2
6. The Department determined that the Claimant's gross income of [REDACTED] exceeded the [REDACTED] income limit for AMP. Exhibit 2
7. The Claimant requested a hearing on [REDACTED], seeking a hearing regarding the denial of his application for medical assistance.

CONCLUSIONS OF LAW

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

The Adult Medical Program (AMP) is available to individuals who meet all the eligibility factors. BEM 640. There are two categories 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 exists when the applicant's net income does not exceed the program group's AMP income limit. BEM 640, p. 3, RFT 236. Countable 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.

The monthly income limit in October 2010 for an AMP P group of one living independently was [REDACTED] per month. BEM 640, RFT 236. In the present case, Claimant received earnings from his employment in the amount of [REDACTED] per week, for a total of [REDACTED] per month ($[REDACTED] \times 4 = [REDACTED]$). Determining net earned income is calculated deducting [REDACTED] plus 20% ($[REDACTED] - [REDACTED] = [REDACTED] \times 20\% = [REDACTED]$). The Department correctly computed the total net earned income.

The Department also credited (deducted) the Claimant's monthly child support expense in the court ordered amount of [REDACTED]. The budget submitted by the Department finding the Claimant's income of [REDACTED] per month exceeded the income eligibility limit for AMP of [REDACTED] was correct. Based upon the foregoing facts and relevant law, it is found that the Department's determination to deny the Claimant's AMP application due to excess income is AFFIRMED.

DECISION AND ORDER

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

Administrative
for
Department

Law Judge
Maura Corrigan, Director
of Human Services

Date Signed: 05/04/11

Date Mailed: 05/06/11

NOTICE: Administrative Hearings may order 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 Hearings will not order a rehearing 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 timely request for rehearing was made, within 30 days of the receipt date of the rehearing decision.

LMF/dj

cc:

[REDACTED]

Wayne County DHS (Dist #18)

[REDACTED]

Administrative

Hearings