

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 2011-24412  
Issue No.: 2001  
Case No.: [REDACTED]  
Hearing Date: May 2, 2011  
DHS County: Oakland (63-02)

**ADMINISTRATIVE LAW JUDGE:** Jan Leventer

**HEARING DECISION**

This matter is before the undersigned Administrative Law Judge pursuant to Michigan Compiled Laws (MCL) 400.9 and 400.37 and Claimant [REDACTED] request for a hearing. After due notice, a telephone hearing was held on May 2, 2011. Claimant appeared and testified. [REDACTED] appeared and testified as a witness for Claimant. [REDACTED], appeared and testified on behalf of the Department of Human Services (DHS).

**ISSUES**

Whether DHS acted in accordance with its policies and procedures, when it denied Claimant Medical Assistance (MA or Medicaid)-Adult Medical Program (AMP) benefits?

**FINDINGS OF FACT**

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

1. On November 16, 2010, Claimant applied for MA-AMP benefits for himself with DHS.
2. Claimant's income is \$18,000 per year, or \$1,500 per month.
3. On December 1, 2010, DHS denied Claimant's application because his monthly income was higher than the maximum income allowable for a family of two, i.e., \$425 per month.
4. On February 1, 2011, Claimant filed a Request for a Hearing with DHS.

**CONCLUSIONS OF LAW**

MA was established by Title XIX of the U.S. Social Security Act and is implemented by Title 42 of the U.S. Code of Federal Regulations. DHS administers MA pursuant to MCL 400.10 *et seq.* and MCL 400.105. DHS' policies are found in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Reference Tables (RFT). These manuals are available online at [www.michigan.gov/dhs-manuals](http://www.michigan.gov/dhs-manuals).

AMP was established by Title XXI of the Social Security Act, Sec. (1115)(a)(1), and is administered by DHS pursuant to MCL 400.10 *et seq.* DHS' policies are contained in BAM, BEM and RFT. *Id.*

The DHS manuals are the policies and procedures that DHS officially created for its own use. While the manuals are not laws created by the U.S. Congress or the Michigan Legislature, they constitute legal authority which DHS must follow. It is to the manuals that I look now in order to see what policy applies in this case. After setting forth what the applicable manual Items are, I will examine whether they were followed in this case.

In this case, the relevant manual Item to consider is RFT 236, "AMP Income Levels (By Living Arrangement)." This DHS chart shows the maximum income a family can have and be qualified to receive AMP benefits. RFT 236 states that for two persons in an independent living situation, the maximum income allowed is \$425 per month. There is no dispute in this case that Claimant's income exceeds \$425 per month. Accordingly, I must find and conclude that DHS acted in accordance with RFT 236 in denying Claimant AMP benefits.

In conclusion, based on the above findings of fact and conclusions of law, I conclude and determine that DHS is AFFIRMED. DHS need take no further action in this matter.

**DECISION AND ORDER**

The Administrative Law Judge, based on the above findings of fact and conclusions of law, decides that DHS is AFFIRMED. DHS need take no further action with regard to this matter.



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Jan Leventer  
Administrative Law Judge  
for Maura Corrigan, Director  
Department of Human Services

Date Signed: May 5, 2011

2011-24412/JL

Date Mailed: May 5, 2011

**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.

JL/pf

cc:

