

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 2011-25891
Issue No.: 2001
Case No.: [REDACTED]
Hearing Date: May 26, 2011
DHS County: Wayne (82-49)

ADMINISTRATIVE LAW JUDGE: Colleen M. Mamelka

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 a hearing. After due notice, a telephone hearing was conducted from Detroit, Michigan, on Thursday, May 26, 2011. The Claimant appeared, along with [REDACTED], and testified. [REDACTED] appeared on behalf of the Department of Human Services ("Department").

ISSUE

Whether the Department properly denied the Claimant's Adult Medical Program ("AMP") application?

FINDINGS OF FACT

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

1. The Claimant submitted an application for public assistance seeking AMP benefits on December 28, 2010.
2. During this time, the Claimant received unemployment compensation benefits in the bi-weekly amount of \$724.00. (Exhibit 2)
3. On January 15, 2011, the Department sent the Claimant a Notice of Case Action informing her that the AMP application was denied. (Exhibit 2)
4. On March 24, 2011, the Department received the Claimant's written request for hearing. (Exhibit 3)

CONCLUSIONS OF LAW

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 (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 Bridges Reference Tables (“RFT”).

The Department determines a client’s eligibility for program benefits based on the client’s actual income and/or prospective income. BEM 500. All countable earned and unearned income available to the client must be considered in determining the Claimant’s eligibility for program benefits. BEM 500. Prospective income is income not yet received but expected. BEM 505. Prospective budgeting is the best estimate of the client’s future income for future benefits. BEM 505. All income is converted to a monthly amount. BEM 505. A standard monthly amount must be determined for each income source used in the budget. BEM 505. Weekly benefit amounts are converted to a monthly amount by multiplying the weekly amount by 4.3. BEM 505. Bi-weekly amounts are converted by multiplying the amount by 2.15. BEM 505

The monthly AMP income limit for an individual living independently (not in foster care, treatment center, hospital, long-term care, or home for the aged) is \$316.00. RFT 236. In order to determine an individual’s net income for AMP purposes, \$200.00 is deducted from the client’s gross earnings. BEM 640. Next, an additional 20% is deducted from the amount. BEM 640. The net income figure is then compared with the AMP monthly income limit to determine eligibility. BEM 640.

In this case, the Claimant submitted an application for AMP benefits in December 2010. Enrollment under this program was (and is) closed and, thus, the application was properly denied. Assuming the program was open; the Claimant would not be eligible. The Claimant received unemployment compensation benefits in the amount of \$724.00 bi-weekly. The monthly countable income was \$1,556.00 (\$724.00 x 2.15). After subtracting \$200.00 then deducting an additional 20%, the Claimant’s net income for AMP purposes exceeds the \$316.00 income limit. Ultimately, the Department established it acted in accordance with Department policy when it denied the Claimant’s AMP application. Accordingly, the Department’s actions are upheld.

DECISION AND ORDER

The Administrative Law Judge, based on the above findings of fact and conclusions of law, finds the Department established it acted in accordance with Department policy when it denied the Claimant's AMP application.

Accordingly, it is ORDERED:

The Department's denial of the Claimant's AMP application is AFFIRMED.

Colleen M. Mamelka

Colleen M. Mamelka
Administrative Law Judge
For Maura Corrigan, Director
Department of Human Services

Date Signed: June 3, 2011

Date Mailed: June 8, 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.

CMM/pf

cc:

