

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 2011-34625
Issue No.: 2001
Case No.: [REDACTED]
Hearing Date: June 29, 2011
Wayne County DHS

ADMINISTRATIVE LAW JUDGE: Susan C. Burke

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 held on June 29, 2011. Claimant appeared and testified, via three-way telephone conference. Claimant's mother, [REDACTED], also appeared and testified on behalf of Claimant. [REDACTED] FIM, appeared on behalf of the Department of Human Services (Department or DHS.)

ISSUE

Was the Department correct in its decision to close Claimant's Adult Medical Program (AMP) case due to excess income?

FINDINGS OF FACT

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

1. Claimant was an ongoing AMP recipient.
2. At Claimant's redetermination, Claimant reported gross earnings of \$300.00 biweekly.
3. The Department closed Claimant's case effective April 1, 2011 due to excess income.
4. Claimant requested a hearing, protesting the closure of her AMP case.

CONCLUSIONS OF LAW

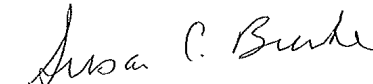
AMP is established by Title XXI of the Social Security Act; (1115)(a)(1) of the Social Security Act, and is administered by the Department (formerly known as the Family Independence Agency) pursuant to MCL 400.10 *et seq*. Department policies are contained in the Bridges Administrative Manual (BAM),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

BEM 640 dictates that income eligibility is met when the net income does not exceed the AMP income limit. To calculate net income, \$200.00 is taken from gross earnings. In addition, a deduction of 20% is taken from the remaining gross earnings. RFT 236 shows the AMP monthly income limit for an individual is \$316.00.

In the present case, Claimant did not dispute that she reported earnings of \$300.00 biweekly. Using the factor of 2.15 set out in BEM 505, Claimant earned \$645.00 per month. After the above-described deductions, Claimant's net income was \$356.00 per month. Claimant's net income of \$356.00 per month exceeded the income limit of \$316.00. The Department was therefore correct in its decision to close Claimant's AMP case. Claimant emphasized that she needs assistance for her medical needs. While I sympathize with Claimant, Department policy does not afford assistance in this particular manner.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that the Department's decision to close Claimant's AMP case was correct and it is ORDERED that the Department's decision is, therefore, AFFIRMED.



Susan C. Burke
Administrative Law Judge
For Maura Corrigan, Director
Department of Human Services

Date Signed: 7/1/11

Date Mailed: 7/1/11

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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.

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