

STATE OF MICHIGAN  
STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES  
ADMINISTRATIVE HEARINGS FOR THE  
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF:

[REDACTED]

Reg No. 20113519  
Issue No. 2001  
Case No. 1 [REDACTED]  
Load No. [REDACTED]  
Hearing Date: December 14, 2010  
Wayne County DHS

**ADMINISTRATIVE LAW JUDGE:** Marlene B. Magyar

**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 December 14, 2010. Claimant and her mother personally appeared and testified.

**ISSUE**

Did the department properly deny Adult Medical Program (AMP) benefit continuation to claimant at review in June 2010 based on 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. At all times relevant, claimant was an ongoing AMP recipient in [REDACTED].
2. In June 2010, the department initiated a mandatory review of claimant's AMP case to determine whether or not she still met all of the eligibility factors required for benefit continuation, as required by their policy at BAM Item 210, pgs 1-15.
3. The department verified claimant started working at [REDACTED] in April 2010 (Department Exhibit #1, pgs 3-5).

4. The department verified claimant was still working there in [REDACTED], and also, they verified she received paychecks on [REDACTED] and [REDACTED] (Department Exhibit #1, pgs 4 and 5).
5. Claimant's combined countable income from the paychecks exceeded the department's monthly AMP income limit [REDACTED], as set forth in their policy at RFT 236, pg 1 (Department Exhibit #1, pg 2).
6. When the department notified claimant in writing they would be closing her AMP case due to earned income in excess of the program limit, she filed a hearing request to dispute the issue.
7. Claimant's hearing was held by conference telephone on December 14, 2010.
8. Claimant's mother stipulated on the record at hearing she does not think the department wrongly applied the existing AMP income policy in claimant's case.
9. Claimant's mother stated her daughter was requesting AMP reinstatement because she has ongoing medical problems which require several prescriptions that claimant cannot afford to buy.

### **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 (DHS or department) pursuant to MCL 400.10, *et seq.* Department policies are contained in the Program Administrative Manual (PAM), the Program Eligibility Manual (PEM) and the Program Reference Manual (PRM).

The material, relevant facts of record are not in dispute in this case. Claimant's countable earnings exceeded the AMP limit at the time her mandatory review was conducted; consequently, the department had no alternative but to close her case. Put simply, the department's actions must be upheld because they are in complete compliance with the governing rules.

Claimant's grievance centers on dissatisfaction with the department's current policy. Claimant's request is not within the scope of authority delegated to this Administrative Law Judge pursuant to a written directive signed by the Department of Human Services Director, which states:

Administrative Law Judges have no authority to make decisions on constitutional grounds, overrule statutes, overrule promulgated regulations or overrule or make exceptions to the department policy set out in the program manuals.

Furthermore, administrative adjudication is an exercise of executive power rather than judicial power, and restricts the granting of equitable remedies. *Michigan Mutual Liability Co. v Baker*, 295 Mich 237; 294 NW 168 (1940).

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**DECISION AND ORDER**

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides the department properly denied AMP benefit continuation to claimant at review in June 2010 based on excess income.

Accordingly, this department's action is AFFIRMED.

/S/

Marlene B. Magyar  
Administrative Law Judge  
For Ismael Ahmed, Director  
Department of Human Services

Date Signed: December 21, 2010

Date Mailed: December 21, 2010

**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 60 days of the filing of the original request.

The Claimant may appeal the Decision and Order to Circuit Court within 30 days of the receipt 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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cc:

