

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

IN THE MATTER OF:



Reg. No: 201140050
Issue No: 2001, 2013
Case No: [REDACTED]
Hearing Date: July 21, 2011
Arenac County DHS

ADMINISTRATIVE LAW JUDGE: COREY A. ARENDT

HEARING DECISION

This matter is before me pursuant to MCL 400.9 and MCL 400.37 upon Claimant's request for a hearing. After due notice, a telephone hearing was held on July 21, 2011. The Claimant and Department appeared and provided testimony.

ISSUE

Did the Department properly deny Claimant's Adult Medial Program (AMP) application?

FINDINGS OF FACT

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

1. On October 1, 2010, the Claimant applied for AMP.
2. On November 18, 2010, the Department sent the Claimant a Notice of Case Action. The Case Action indicated the Claimant's AMP application was denied because the Claimant's income exceeded the limit for the program. (Department Exhibit 7, 8).
3. On November 29, 2010, the Claimant submitted a hearing request, protesting the denial of her AMP application. (Request for a Hearing).

CONCLUSIONS OF LAW

The regulations governing the hearing and appeal process for applicants and recipients of public assistance in Michigan are found in the Michigan Administrative Code, MAC R 400.901-400.951. Clients have the right to contest a department decision affecting eligibility or benefit levels whenever it is believed that the decision is incorrect. The department will provide an administrative hearing to review the decision and determine the appropriateness. BAM 600.

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 Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Reference Tables Manual (RFT).

Department policy provides that income eligibility exists when the program group's net income does not exceed the program group's AMP income limit. BEM 640. The AMP income limits are in RFT 236. The department must use only available income. Available income means income which is received or can reasonably be anticipated. Available income includes amounts garnished from income, joint income, and income received on behalf of a person by his representative. BEM 640. The department averages income received in one month which is intended to cover several months by dividing the income by the number of months it covers to determine the monthly available income. The average amount is considered available in each of the months. When determining income from the past month, use the amount actually received in the past month. BEM 640.

In this case, the Claimant had a net income of [REDACTED] with a group size of one. According to RFT 236, the maximum income limit for AMP benefits is [REDACTED].

The Claimant does not dispute the numbers used to calculate net income.

A claimant with a group size of one has a maximum income limit of [REDACTED]. RFT 236. Because Claimant's actual net income of [REDACTED] exceeded the allowable AMP monthly income limit of [REDACTED], Claimant is not entitled to AMP benefits.

I find that the Department's calculations were properly made and all AMP issuance/budgeting rules were properly applied.

Accordingly, I find the Department properly denied the Claimant's application for benefits.

DECISION AND ORDER

I find, based upon the above findings of fact and conclusions of law that the Department acted in accordance with policy in determining Claimant's AMP eligibility.

The Department's actions are **Affirmed**.

_____/s/_____

Corey A. Arendt
Administrative Law Judge
for Maura D. Corrigan, Director
Department of Human Services

Date Signed: July 22, 2011

Date Mailed: July 25, 2011

NOTICE: The law provides that within 60 days from the mailing date of the above hearing Decision the Respondent may appeal it to the circuit court for the county in which he/she resides or has his or her principal place of business in this state, or in the circuit court for Ingham County. Administrative Hearings, on its own motion, or on request of a party within 60 days of the mailing date of this Hearing Decision, may order a rehearing.

CAA/cr

cc:

