

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.: 20115923
Issue No.: 2001
Case No.: [REDACTED]
Load No.: March 28, 2011
Hearing Date: 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 March 28, 2011. Claimant appeared and testified. The Department was represented by [REDACTED]

ISSUE

Was the Department correct in denying Claimant's application for Medical Assistance (MA), including the Adult Medical Program (AMP)?

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 applied for MA on October 4, 2010.
2. Claimant was not blind, disabled, pregnant, a caretaker, or a refugee and she did not meet the age requirements for MA programs other than AMP.
3. Claimant received unemployment monthly income of \$1,088.00.
4. The Department denied Claimant's application for AMP on October 9, 2010 due to excess income.
5. Claimant requested a hearing on the denial on October 29, 2010.

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 (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. BEM 640, p. 3 Certain deductions are taken for earnings and court-ordered support. BEM 640, p. 4. RFT 236 shows the AMP monthly income limit for an individual to be \$316.00.

There are MA categories for clients who are:

- Age 65 or older, blind, or disabled.
- Pregnant or recently pregnant.
- Caretaker relatives of dependent children.
- Under age 21.
- Refugees.

BEM 640, p. 1

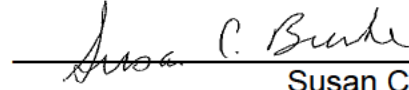
In the present case, Claimant's unemployment income did not qualify for the deductions described above. Claimant's net income of \$1,088.00 exceeds the income limit of \$316.00. The Department was therefore correct in its denial of Claimant's AMP application. Claimant did not qualify for any other program of medical assistance, as she was not disabled, blind, pregnant, a caretaker, or a refugee and she did not meet the age requirements. Claimant testified credibly that she is in need of medical assistance. However, Department policy did not afford assistance to Claimant at the time of her application. Claimant may reapply for medical assistance if her circumstances change.

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 deny Claimant's MA/AMP application was

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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: April 18, 2011

Date Mailed: April 18, 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 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.

SCB/ hw

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