

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.: 20118037
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. The Claimant appeared and testified. The Department was represented by FIM [REDACTED]

ISSUE

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

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 for her husband, [REDACTED] on June 3, 2010 and again through October, 2010.
2. Claimant's husband was not blind, disabled, a caretaker, or a refugee, and he did not meet the age requirements for MA programs other than AMP.
3. Claimant had earned income of \$202.00 per week.
4. The Department denied Claimant's applications for AMP on November 3, 2010.
5. The AMP program was open for enrollment from October 1, 2010 through November 30, 2010.
6. Claimant requested a hearing on the denial on November 9, 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.)

For AMP, 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 and spouse to be \$425.00.

In addition to AMP, 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

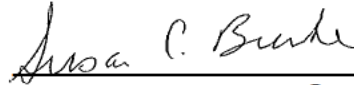
In the present case, Claimant earned \$202.00 per week from her employer. Claimant also earned \$937.00 in self-employment per month. Claimant's earned income of \$1,745.00 per month yields \$1,236.00 per month after the above-described deductions. Claimant's net income of \$1,236.00 exceeds the income limit of \$425.00 for individual and spouse for the AMP program. Also, the AMP program was open for enrollment only from October 1, 2010 through November 30, 2010, during the time frame in which Claimant applied. The Department was therefore correct in its denial of Claimant's AMP application. Claimant's husband did not otherwise qualify for medical assistance, as he was not determined to be disabled, blind, a caretaker, or a refugee and did not meet the age qualifications. Claimant testified that her husband needs medical assistance, and while I sympathize with Claimant and her husband, Department policy does not afford assistance in this particular instance.

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.

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cc:

