

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

IN THE MATTER OF:

[REDACTED]

Reg
Issue
Case
Hearing

No: 2011-8366
No: 2001
No: [REDACTED]
Date: [REDACTED]

Wayne County DHS (43)

ADMINISTRATIVE LAW JUDGE: [REDACTED]

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 hearing. After due notice, a telephone hearing was conducted from Detroit, Michigan on [REDACTED]. The Claimant appeared and testified. [REDACTED], FIM and [REDACTED] FIS appeared on behalf of the Department.

ISSUE

Whether the Department properly denied the Claimant's Adult Medical Program ("AMP") application based on excess income.

FINDINGS OF FACT

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

1. On [REDACTED] the Claimant was sent a Notice of Case Action which denied her application for Medical Assistance, and specifically for the Adult Medical Program (AMP) due to excess income. Exhibit 1

2. The Claimant receives [REDACTED] monthly in unemployment compensation benefits. The Claimant receives [REDACTED] per week. The Claimant confirmed this amount at the hearing.
3. The Department determined that the Claimant's unearned income exceeded the [REDACTED] income limit and denied the Claimant's application for AMP. Exhibit 2.
4. The Claimant requested a hearing on [REDACTED] seeking a hearing regarding the denial of his application for medical assistance AMP. The Department received the application on [REDACTED]

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 se q.*. Department policies are contained in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Program Reference Manual (PRM).

The Adult Medical Program (AMP) is available to individuals who meet all the eligibility factors. BEM 640. There are two categories of AMP. The G program (AMP-G) is for SDA cash payment recipients who are not eligible for MA or other Department medical programs, and who do not have private health care coverage. The H program (AMP-H) is available to clients who receive medical benefits only. BEM 640, p. 2. The Claimant if eligible for AMP would be in the H category.

Income eligibility exists when the applicant's net income does not exceed the program group's AMP income limit. BEM 640, p. 3, RFT 236. Countable income is income remaining after applying AMP policy in PEM 500. Id. Only available income is used. Available means income which is received or can reasonably be anticipated.

The monthly income limit in October 2010 for an AMP group of one living independently was [REDACTED] per month. BEM 640, RFT 236. In the present case, Claimant received unemployment benefits in the amount of [REDACTED] weekly, for a total of [REDACTED] per month. The budget submitted by the Department finding the Claimant's income exceeded the AMP [REDACTED] income limit was correct. Based upon the foregoing facts and relevant law, it is found that the Department's determination to deny the Claimant's AMP application is AFFIRMED.

DECISION AND ORDER

The Department's decision to deny the Claimant's application for AMP benefits because the Claimant's income exceeded the AMP income limit is AFFIRMED.

Administrative
for
Department

Law Judge
Maura Corrigan, Director
of Human Services

Date Signed: 04/21/11

Date Mailed: 04/25/11

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.

LMF/dj

cc: [REDACTED]
Wayne County DHS (Dist #43)

[REDACTED]
Administrative Hearings