

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.: 2011-9153
Issue No.: 2014
Case No.: [REDACTED]
Hearing Date: January 13, 2011
DHS County: Wayne (82-17)

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 Claimant's request for a hearing. After due notice, a telephone hearing was held on January 13, 2011. Claimant appeared and testified. [REDACTED] also testified on behalf of Claimant. The Department of Human Services (Department) was represented by [REDACTED].

ISSUE

Was the Department correct in its decision to deny Claimant's Adult Medical Program (AMP) application due to 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. Claimant applied for AMP on November 4, 2010.
2. Claimant was fifty-seven years old at the time of the application.
3. Claimant was not legally determined to be disabled.
4. Claimant's monthly net unearned income from a [REDACTED] pension was \$370.36.
5. The Department denied Claimant's application on November 9, 2010, due to excess income.

6. On November 20, 2010, Claimant requested a hearing to contest the denial.

CONCLUSIONS OF LAW

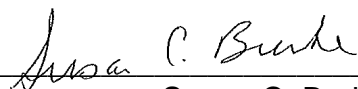
AMP is established by Title XXI of the Social Security Act; (1115)(a)(1) of the Social Security Act, and is administered by the Department (formerly known as the Family Independence Agency) pursuant to MCL 400.10 *et seq.* Department policies are contained in the Bridges Administrative Manual (BAM), 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. RFT 236 shows the AMP monthly income limit for an individual to be \$316.00.

In the present case, Claimant received a monthly pension amount of \$370.36. Claimant's net income of \$370.36 exceeds the income limit of \$316.00. The Department was therefore correct in its denial of Claimant's AMP application. Claimant described that her back hurts to the extent she cannot work and she is currently applying for Social Security Disability. Claimant testified that she cannot afford necessary medication. While I sympathize with Claimant, the Department policy does not afford assistance in this particular manner.

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 AMP application was 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: January 19, 2011

Date Mailed: January 20, 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

2011-9153/SCB

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.

SCB/pf

cc:

A large black rectangular redaction box covering several lines of text in the cc field.