

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 201114932
Issue No.: 2001
Case No.: [REDACTED]
Load No.: [REDACTED]
Hearing Date: March 31, 2011
Wayne County DHS

ADMINISTRATIVE LAW JUDGE: Aaron McClintic

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 31, 2011. The Claimant appeared at the hearing and testified. [REDACTED] appeared on behalf of the Department.

ISSUE

Was the Department correct in denying Claimant's 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) Claimant applied for AMP benefits in October 2010.
- (2) Claimant received \$783 in employment income in October 2010.
- (3) Claimant received \$959 in unemployment benefits in November 2010.
- (4) On November 3, 2010, the Department denied Claimant's AMP application due to excess income.
- (5) Claimant requested a hearing on November 26, 2010 contesting the denial of AMP benefits.

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 (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 Program Reference Manual (PRM).

For AMP benefits, 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 \$316.00. A deduction for child support paid is also taken when relevant. BEM 640, p. 4.

In the present case, Claimant had earned income of \$783 in October 2010 from employment. Claimant's earned income of \$ 783 per month yields \$466 per month after the above-described deductions. Claimant received \$959 in unemployment compensation in October 2010. Claimant's net income was \$1425. The net income limit for AMP is \$316. RFT 236. Therefore Claimant does have excess net income and is ineligible for the Adult Medical Program. This is the determination made by the Department and it is correct.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that the Department properly denied the Claimant's AMP application, and it is ORDERED that the Department's decision in this regard be and is hereby AFFIRMED.



Aaron McClintic
Administrative Law Judge
For Maura Corrigan, Director
Department of Human Services

Date Signed: May 13, 2011

Date Mailed: May 13, 2011

201114932/AM

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.

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