

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

IN THE MATTER OF:



Reg. No. 201116490
Issue No. 2001
Case No. [REDACTED]
Hearing Date: March 28, 2011
Oakland County DHS (04)

ADMINISTRATIVE LAW JUDGE: Christian Gardocki

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. On behalf of Department of Human Services (DHS), Brandy Guinn, Specialist, appeared and testified.

ISSUE

Whether DHS properly determined Claimant to be income-ineligible for Adult Medical Program (AMP) benefits.

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 11/1/10, Claimant applied for MA benefits.
2. Claimant failed to meet an eligible category for Medicaid.
3. Claimant's monthly gross employment income was \$2520.
4. On 12/4/10, DHS determined that Claimant was ineligible for AMP benefits due to excess income.
5. On 12/15/10, Claimant requested a hearing disputing the denial of AMP benefits.

CONCLUSIONS OF LAW

The Medical Assistance (MA) program is established by Title XIX of the Social Security Act and is implemented by Title 42 of the Code of Federal Regulations (CFR). The Department of Human Services (formerly known as the Family Independence Agency) administers the MA program pursuant to MCL 400.10, et seq., and MCL 400.105. Department policies are found in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Reference Tables Manual (RFT).

MA provides medical assistance to individuals and families who meet financial and nonfinancial eligibility factors. The goal of the MA program is to ensure that essential health care services are made available to those who otherwise would not have financial resources to purchase them.

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 found in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Reference Tables Manual (RFT).

The Medicaid program is comprised of several sub-programs which fall under one of two categories; one category is FIP-related and the second category is SSI-related. BEM 105 at 1. To receive MA under an SSI-related category, the person must be aged (65 or older), blind, disabled, entitled to Medicare or formerly blind or disabled. *Id.* Families with dependent children, caretaker relatives of dependent children, persons under age 21 and pregnant, or recently pregnant, women receive MA under FIP-related categories. *Id.* AMP is an MA program available to persons not eligible for Medicaid through the SSI-related or FIP-related categories.

It was not disputed that Claimant does not meet the FIP-related or SSI-related MA categories. Accordingly, it is found that DHS properly denied Claimant for Medicaid coverage. However, it must still be determined if Claimant was eligible for MA benefits through AMP.

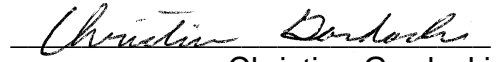
Income eligibility exists when the program group's net income does not exceed the program group's AMP income limit. BEM 640 at 3. For all programs, Bridges (the DHS database) counts gross wages except for earned income tax credits, census workers, strikers' earnings, student earnings and flexible benefits. BEM 500 at 5. The undersigned interprets the above policy to mean that a client's gross income is budgeted and following application of any income disregards (if any), net income is determined.

For purposes of AMP income-eligibility, DHS is to deduct \$200 from a program group member's gross earnings. BEM 640 at 4. DHS is to then deduct 20% of the person's remaining gross earnings. *Id.*

The undersigned is inclined to accept Claimant's gross monthly employment earnings as \$2520/month. This is the amount Claimant provided on her Assistance Application as her gross monthly earnings. Applying a \$200 and subsequent 20% disregard creates a net earning amount of \$1856. The AMP net income limit for an independent living individual is \$316. RFT 236 at 1. Claimant's net income exceeds the AMP net income limit. It is found that DHS properly denied Claimant's AMP benefits.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that DHS properly denied Claimant's application dated 11/1/10 for MA benefits. The actions taken by DHS are AFFIRMED.


Christian Gardocki
Administrative Law Judge
For Maura Corrigan, Director
Department of Human Services

Date Signed: 04/11/11

Date Mailed: 04/19/11

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.

CG/dj

cc:

