

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 16770

Issue No: 2001

Case No: [REDACTED]

Hearing Date:

[REDACTED]

Macomb County DHS(20)

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 claimant's request for a hearing. After due notice, a hearing was held by telephone in Detroit on [REDACTED] at which time the Claimant appeared and testified. [REDACTED] ES appeared and testified on behalf of the Department.

ISSUE

Was the claimant's Adult Medical Program ("AMP") application properly denied 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. The Claimant applied for the Adult Medical Program (AMP) on [REDACTED]
2. The Department issued a notice of case action [REDACTED] denying the Claimant's AMP application due to excess income for the period [REDACTED] Exhibit 13

3. The Department based its determination on a budget which included the wrong income for the Claimant. The budget calculated the Claimant's earned income to be [REDACTED] Exhibit
4. The Department agreed at the hearing that this income amount was not correct.
5. The Claimant provided the Department two pay stubs as part of the verification of income. For the period [REDACTED] the gross earnings were [REDACTED]; for the period [REDACTED], the gross pay was [REDACTED]. Exhibits 11 and 12.
6. The Department conceded the AMP budget it prepared and relied upon in making its determination was incorrect as it utilized income of [REDACTED] Exhibit 20.
7. The Claimant requested a hearing on [REDACTED] protesting the denial of the AMP application for medical assistance. The Department received the application [REDACTED]

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 (DHS or Department) 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 Program Reference Manual (PRM) and Reference Tables (RFT).

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 Program Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Bridges Reference Manual (BPRM).

Claimants must meet all eligibility requirements to receive AMP benefits. BEM 640. Income eligibility exists when the program group's net income does not exceed the program group's AMP income limit. BEM 640. AMP income limits are contained in RFT 236, which is [REDACTED] in the current case. Only countable income, per BEM 500 is used in determining AMP net income. BEM 640.


Based upon the budget submitted by the Department as part of its hearing information packet, the Department conceded that it improperly included an earned income figure that was not correct. The Department had verifications by check stubs for the claimant's earned income for the period in question but instead picked up an unverified income amount. Because the Claimant's application was denied based on an incorrect income amount and the Department acknowledged that the budget that it based the denial of the application upon was incorrect, its action denying the Claimant's AMP application was made in error. Exhibit 20.

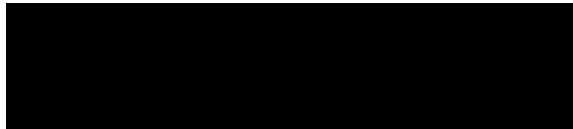
Based upon the testimony of the parties, the documentary evidence and the admission of the Department that the AMP budget income it relied upon in determining the Claimant's eligibility was incorrect, the Department's decision denying the Claimant's application for Medical Assistance for AMP must be REVERSED.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that the Department erred when it determined claimant's income from employment exceeded the income limit for the AMP program as the budget it prepared and utilized was incorrect. Therefore, the Notice of Case Action dated [REDACTED], denying the Claimant's AMP application, is REVERSED.

Accordingly, it is ORDERED:

1. The Department shall reopen the Claimant's AMP application dated  and reprocess the application and determine the Claimant's eligibility based on the Claimant's correct earned income amount.



Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: 04/25/11

Date Mailed: 04/26/11

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: 
Macomb County DHS (Dist #20) / DHS-1843


Administrative Hearings