

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 2011-22457
Issue No.: 2000
Case No.: [REDACTED]
Hearing Date: April 11, 2011
DHS County: Wayne (82-57)

ADMINISTRATIVE LAW JUDGE: Jan Leventer

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to Michigan Compiled Laws (MCL) 400.9 and 400.37, and Claimant [REDACTED] request for a hearing. After due notice, a hearing by telephone was held on April 11, 2011. Claimant appeared and testified. [REDACTED], appeared and testified on behalf of the Department of Human Services (DHS).

ISSUE

Whether Claimant is eligible for Medical Assistance (MA or Medicaid) Adult Medical Program (AMP) benefits?

FINDINGS OF FACT

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

1. On or about February 1, 2011, Claimant applied for AMP benefits.
2. On February 14, 2011, DHS issued a Notice of Case Action denying Claimant's AMP application for the reason that his income is above the limit for the AMP program.
3. On February 25, 2011, Claimant filed a Request for Hearing with DHS.
4. At the hearing on April 11, 2011, DHS offered to reopen and reprocess Claimant's AMP application, taking into consideration that his Unemployment Insurance (UI) income is usually four and not five weeks per month, and taking

into consideration that DHS is entitled to multiply weekly income by 4.3 weeks in order to arrive at a more accurate monthly income amount.

5. As a result of DHS' agreement to reopen and recalculate Claimant's income, Claimant testified he no longer wished to continue the Administrative Hearing.

CONCLUSIONS OF LAW

MA was established by Title XIX of the U.S. Social Security Act and is implemented by Title 42 of the Code of Federal Regulations. DHS administers MA pursuant to MCL 400.10 *et seq.* and MCL 400.105. DHS' policies are found in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Reference Tables (RFT). These manuals are available online at www.michigan.gov/dhs-manuals.

AMP was established by Title XXI of the Social Security Act, Sec. (1115)(a)(1), and is administered by DHS pursuant to MCL 400.10 *et seq.* DHS' policies are contained in BAM, BEM and RFT. *Id.*

Under BAM Item 600, clients have the right to contest any DHS decision affecting eligibility or benefit levels whenever they believe the decision is illegal. DHS provides an Administrative Hearing to review the decision and determine if it is appropriate. DHS policy includes procedures to meet the minimal requirements for a fair hearing. Efforts to clarify and resolve the client's concerns start when DHS receives a hearing request and continue through the day of the hearing.

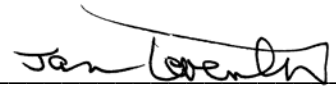
At the hearing, the parties agreed to resolve the situation with the remedy that DHS will reopen and recalculate Claimant's countable income, taking into consideration that Claimant's UI benefits are usually four and not five weeks per month, and also taking into consideration that DHS is allowed to multiply Claimant's weekly income by 4.3 weeks in order to arrive at a more accurate monthly income. As the parties have agreed to settle their differences, it is not necessary for the Administrative Law Judge to adjudicate the issues presented.

In conclusion, based on the findings of fact and conclusions of law above, IT IS ORDERED that DHS shall reopen and reprocess Claimant's application for AMP benefits, taking into consideration the frequency of his UI income (four and not five weeks per month) and the DHS formula for multiplying weekly income by 4.3 weeks, in order to arrive at a more accurate monthly income. This will be accomplished pursuant to the stipulated agreement of the parties and in accordance with DHS policies and procedures.

DECISION AND ORDER

The Administrative Law Judge, based on the above findings of fact and conclusions of law and the stipulated agreement of the parties, states IT IS HEREBY ORDERED that DHS shall reopen and process Claimant's AMP application, taking into consideration the fact that Claimant's UI benefits are usually received four and not five weeks per month, and that DHS is entitled to multiply Claimant's estimated weekly income by 4.3 weeks in order to arrive at a more accurate monthly income amount. DHS shall conduct this action in accordance with DHS policies and procedures.

IT IS SO ORDERED.



Jan Leventer
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: April 21, 2011

Date Mailed: April 25, 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 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.

JL/pf

cc:

