

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

IN THE MATTER OF:



Reg No: 2011-29197
Issue No: 2001
Case No: [REDACTED]
Hearing Date:
May 26, 2011
Wayne County DHS (57)

ADMINISTRATIVE LAW JUDGE: Lynn M. Ferris

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 hearing. After due notice, a telephone hearing was conducted from Detroit, Michigan on May 26, 2011. The Claimant appeared and testified. H. J. Jones, Jr., FIM and Kelley Davenport ES appeared on behalf of the Department.

ISSUE

Whether the Department properly denied the Claimant Adult Medical Program ("AMP") benefits based on excess income.

FINDINGS OF FACT

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

1. Claimant was an ongoing recipient of the Adult Medical Program (AMP).
2. The Claimant completed a redetermination on March 11, 2011, and advised the Department that she was working and not guaranteed any hours. Exhibit 1

3. The Claimant's income amount was uncertain and fluctuated because her work hours were not guaranteed. Exhibit 2
4. The Department denied the Claimant's AMP application due to excess income by notice of case action dated March 31, 2011, effective May 1, 2011. Exhibits 3 and 4
5. The Department utilized earnings for the pay period, February 18, 2011, of \$398 and March 4, 2011(\$259) when computing the Claimant's continuing eligibility for AMP. Exhibits 3 and 2.
6. The Claimant requested a hearing on April 6, 2011, seeking a hearing regarding the closure of the Claimant's Adult Medical Program case.

CONCLUSIONS OF LAW

AMP

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 contained in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Program Reference Manual (PRM).

The Adult Medical Program (AMP) is available to individuals who meet all the eligibility factors. BEM 640. There are two categories of AMP. The G program (AMP-G) is for SDA cash payment recipients who are not eligible for MA or other Department medical programs, and who do not have private health care coverage. The H program (AMP-H) is available to clients who receive medical benefits only. BEM 640, p. 2. The Claimant if eligible for AMP would be in the H category.

Income eligibility exists when the applicant's net income does not exceed the program group's AMP income limit. BEM 640, p. 3, RFT 236. Countable income is income remaining after applying AMP policy in BEM 500. Id. Only available income is used. Available means income which is received or can reasonably be anticipated.

The monthly income limit in May, 2011 for an AMP group of one living independently was \$316.00 per month. BEM 640, RFT 236. In the present case, Claimant received earnings which fluctuated. While the Department used the correct last thirty days income when it computed the Claimant's eligibility, it did not truly review and take into account the Claimant's true earnings and likely work hours to determine the earnings picture over a period of time to prospect the future income. BEM 530 pages 3 and 4.

A review of the Work Number information provided and available to the Department indicates that it should have taken a closer look at the income and hours worked when making its determination and should have prospected the income. As an example, in March 2010, the claimant had earnings of \$251 and \$259 for a total of \$510. In April 2011, the Claimant's total earning were \$494 (\$79, \$167 and \$248). Likewise for May 2011 the Claimant's earnings were \$171 and \$259 for a total of \$430. Looking at these months the Claimant clearly would have been eligible for AMP and the utilization of the two highest biweekly earnings in a three month period resulted in the closure. Based upon the foregoing facts and relevant law, it is found that the Department's determination to deny the Claimant's AMP application is REVERSED.

DECISION AND ORDER

The Administrative Law Judge, based upon the findings of fact and conclusions of law, finds that the Department decision to close the Claimant's AMP case is incorrect as it failed to prospect income and therefore its decision is REVERSED.

Accordingly, it is ORDERED:

1. The Department shall reinstate the Claimant's AMP case retroactive to the date of closure, May 1, 2011.
2. The Department shall recompute the Claimant's AMP eligibility in accordance with the income prospecting provisions in BEM 530 and consider the Claimant's uncertain and fluctuating income.


Lynn M. Ferris
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: 06/22/11

Date Mailed: 06/24/11

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:

