

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

IN THE MATTER OF:

[REDACTED]

Reg. No. 201129822
Issue No. 2001
Case No. [REDACTED]
Hearing Date: June 20, 2011
Macomb County DHS (20)

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 June 20, 2011. The claimant appeared and testified; [REDACTED] appeared and testified on behalf of Claimant. On behalf of Department of Human Services (DHS), [REDACTED], Specialist, appeared and testified.

ISSUE

Whether DHS properly terminated Claimant's Adult Medical Program (AMP) benefits due to 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 AMP benefit recipient.
2. Claimant was part of a household that included Claimant and his spouse.
3. Claimant received \$420/month in gross employment income.
4. Claimant's spouse received \$573/month in unemployment compensation (UC) income.
5. On an unspecified date, DHS determined Claimant was ineligible for AMP benefits effective 4/2011 due to excess income (see Exhibit 1).

6. On 4/5/11, Claimant requested a hearing to dispute the termination 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 DHS 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 undersigned will refer to the DHS regulations in effect as of 4/2011, the estimated month of the DHS decision which Claimant is disputing. Current DHS manuals may be found online at the following URL: <http://www.mfia.state.mi.us/olmweb/ex/html/>.

In the present case, Claimant disputed the DHS termination of AMP benefits. Claimant did not dispute the amounts of income budgeted for his employment or his spouse's UC.

Income eligibility for AMP exists when the program group's net income does not exceed the program group's income limit. BEM 640 at 3. The undersigned interprets the above policy to mean that a client's gross income is budgeted and following applications 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.*

Applying the \$200 and 20% disregard to Claimant's \$420/month income results in a net income of \$176. Adding the income to Claimant's spouse's UC income results in a total net income of \$749.

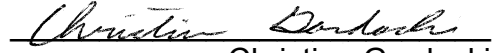
The AMP net income limit for a married couple in an independent living situation is \$425. RFT 236 at 1. The AMP benefit group's net income exceeded the AMP net income limit. Accordingly, it is found that DHS properly terminated Claimant's AMP benefits due to excess income.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that DHS properly terminated Claimant's AMP benefits effective 4/2011 due

201129822/CG

to excess income. The actions taken by DHS are AFFIRMED.


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

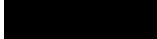

Date Signed: June 29, 2011

Date Mailed: June 29, 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.

CG/ctl

cc: 
Macomb County DHS (20)

Christian Gardocki
Administrative Hearings