

**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.: 2011-3671
Issue No.: 2001
Case No.: [REDACTED]
Hearing Date: March 2, 2011
DHS County: Monroe

ADMINISTRATIVE LAW JUDGE: Colleen M. Mamelka

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 hearing was held in Monroe, Michigan, on Wednesday, March 2, 2011. The Claimant appeared and testified. [REDACTED] observed the proceedings. [REDACTED] appeared on behalf of the Department of Human Services ("Department").

ISSUE

Whether the Department properly denied the Claimant's application for Adult Medical Program ("AMP") benefits 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 submitted an application for public assistance seeking AMP benefits on October 4, 2010. (Exhibit 1, pp. 11 – 19)
2. The Claimant works 18 hours a week earning \$8.07 an hour. (Exhibit 3)
3. As a result of the excess income, the Department determined that the Claimant was not eligible for AMP benefits. (Exhibit 2)
4. On October 6, 2010, the Department notified the Claimant of the determination. (Exhibit 1, pp. 7 – 10)
5. On October 13, 2010, the Department received the Claimant's timely written request for hearing. (Exhibit 1, p. 3)

CONCLUSIONS OF LAW

The Medical Assistance ("MA") program is established by Subchapter XIX of Chapter 7 of The Public Health & Welfare Act, 42 USC 1397, and is administered by the Department, formerly known as the Family Independence Agency, 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 Bridges Reference Manual ("BRM"). AMP is part of the MA program. BEM 640.

All countable earned and unearned income available to the client must be considered in determining the Claimant's eligibility for program benefits. BEM 500. Income eligibility exists when the program group's income does not exceed the program group's income limit. BEM 640. In October 2010, the monthly AMP income limit was (and currently is) \$316.00 for an individual living independently. RFT 236.

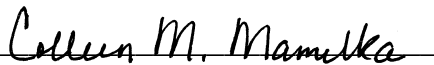
In this case, the Claimant submitted a public assistance application seeking benefits under AMP. In October 2010, the Claimant submitted two consecutive pay stubs showing actual gross earnings in the amount of \$716.37. Pursuant to policy, the Department deducted \$200 and then deducted an additional 20 percent. As a result, the Claimant's net income for AMP purposes was \$412.80. As noted above, the income limit for the AMP program was (is) \$316.00. The Claimant's income exceeds the program's limit. Ultimately, the Department established it acted in accordance with Department policy when it denied the Claimant's AMP application due to excess income. Accordingly, the Department's determination is AFFIRMED.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds the Department established it acted in accordance with Department policy when it denied the Claimant's AMP application.

Accordingly, it is ORDERED:

The Department's denial of the AMP application is AFFIRMED.



Colleen M. Mamelka
Administrative Law Judge
For Maura Corrigan, Director
Department of Human Services

Date Signed: March 3, 2011

Date Mailed: March 3, 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.

CMM/pf

cc:

