

STATE OF MICHIGAN
STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES
ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF:



Reg. No.: 2011-9147
Issue No.: 2011
Case No.: [REDACTED]
Hearing Date: January 5, 2011
DHS County: Wayne (82-17)

ADMINISTRATIVE LAW JUDGE: Susan C. Burke

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 telephone hearing was held on January 5, 2011. Claimant appeared and testified. The Department of Human Services (Department) was represented by [REDACTED].

ISSUE

Did the Department correctly deny Claimant's application for the Adult Medical Program (AMP)?

FINDINGS OF FACT

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

1. Claimant applied for AMP benefits on October 28, 2010.
2. Claimant's earned income was \$900.00 per month.
3. The Department denied Claimant's application on November 10, 2010, due to excess income.
4. Claimant requested a hearing on the denial on November 19, 2010.

CONCLUSIONS OF LAW

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 (formerly known as the Family

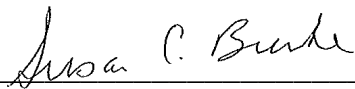
Independence Agency) pursuant to MCL 400.10 *et seq.* Department policies are contained in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Program Reference Manual (PRM) which includes the Reference Tables (RFT.)

BEM 640 dictates that income eligibility is met when the net income does not exceed the AMP income limit. To calculate net income, \$200.00 is taken from gross earnings. In addition, a deduction of 20% is taken from the remaining gross earnings. RFT 236 shows the AMP monthly income limit for an individual is \$316.00.

In the present case, Claimant earned \$225.00 per week from his employer, SOLA, Inc., for the month of October, 2010. (Exhibit 3.) Claimant's earned income of \$900.00 per month yields \$560.00 per month after the above-described deductions. Claimant's net income of \$560.00 exceeds the income limit of \$316.00. The Department was, therefore, correct in its denial of Claimant's AMP application. Claimant emphasized that he is sick and that his employer does not offer insurance. While I sympathize with Claimant, Department policy does not afford assistance in this particular manner.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that the Department's decision to deny Claimant's AMP application was correct and it is ORDERED that the Department's decision is, therefore, AFFIRMED.



Susan C. Burke
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: January 11, 2011

Date Mailed: January 18, 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.

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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.

SCB/pf

cc:

