

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

IN THE MATTER OF:

[REDACTED]

Reg
Issue
Case
Hearing

No: 2011-9249

No: 2001

No: [REDACTED]

Date:

[REDACTED]
Wayne County DHS (41)

ADMINISTRATIVE LAW JUDGE: [REDACTED]

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 [REDACTED]. The Claimant appeared and testified. [REDACTED] FIM and [REDACTED] Assistance Payments Worker appeared on behalf of the Department.

ISSUE

Whether the Department properly denied the Claimant's Adult Medical Program ("AMP") application 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. The Claimant applied for Medical Assistance on [REDACTED]
2. The Department issued a Notice of Case Action on [REDACTED], which denied the Claimant's AMP application because her income exceeds the limit for the AMP program.

3. At the time the Claimant applied for AMP, the Claimant was not working and had no income.
4. The Department agreed that it issued the Notice of Case Action dated [REDACTED] in error and that its action was not correct.
5. The Claimant has been eligible for AMP beginning [REDACTED], based upon the eligibility summary provided by the Department at the hearing. Exhibit 1 and 2.
6. The Claimant's hearing request was received by the Department on [REDACTED]

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 Department of Human Services (formerly known as the Family Independence Agency) pursuant to MCL 400.10, *et se q.*. 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 PEM 500. Id. Only available income is used. Available means income which is received or can reasonably be anticipated.

The monthly income limit in October 2010 for an AMP P group of one living independently was [REDACTED] per month. BEM 640, RFT 236. In the present case, Claimant had no income at the time of her application and was actually found eligible to receive AMP notwithstanding the Notice of Case Action dated [REDACTED]

The Department's decision finding that the Claimant's income exceeded the AMP [REDACTED] income limit was not supported by the evidence presented by the Department at the hearing which it acknowledged was not correct. 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 Department's decision to deny the Claimant's application for AMP benefits because the Claimant's income exceeded the AMP income limit is REVERSED.

Accordingly, it is ORDERED:

1. The Department shall reopen and reprocess the Claimant's AMP application and correct and reissue the [REDACTED] Notice of Case Action to accurately reflect that the Claimant's application was approved and that her AMP benefits are active as of [REDACTED]

Administrative
for
Department

Law Judge
Maura Corrigan, Director
of Human Services

Date Signed: 04/25/11

Date Mailed: 04/25/11

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: [REDACTED]
Wayne County DHS (Dist #41) / DHS-1843

[REDACTED]
Administrative Hearings