

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 20121135
Issue No.: 2001
Case No.: [REDACTED]
Hearing Date: May 9, 2012
County: Wayne DHS (17)

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 following Claimant's request for a hearing. After due notice, an in-person hearing was held on May 9, 2012 from Detroit, Michigan. Participants on behalf of Claimant included the above named claimant; [REDACTED] appeared and testified on behalf of Claimant. Participants on behalf of Department of Human Services (DHS) included [REDACTED], Specialist.

ISSUE

The issue is whether DHS properly terminated Claimant's eligibility for 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's AMP benefit eligibility was scheduled for redetermination beginning 8/2011.
3. In 8/2011, Claimant received \$368/two weeks in gross employment income.
4. On 7/14/11, DHS determined Claimant was ineligible for AMP benefits effective 8/2011 due to excess income.

5. On 9/13/11, 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).

In the present case, Claimant disputed the DHS termination of AMP benefits. 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.

For all programs, DHS is to count the gross employment income amount. BEM 501 at 5. 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.*

The present case concerns Claimant's income eligibility for AMP benefits beginning 8/2011. As verification of income, DHS presented two pay stubs (Exhibits 1-2) from 8/2011; Claimant presented pay stubs (Exhibits 3-4) from 4/2012. The month of 4/2012 is so far after 8/2011 no consideration can be given to what Claimant made in that month. The DHS presented stubs from 8/2011 are found to be the best evidence of Claimant's income for 8/2011.

Claimant was given an opportunity following the hearing to submit pay stubs near 8/2011 which may have reflected a lower income than what DHS prospected. Claimant submitted two pays from 7/2011, both reflected gross earnings of \$368/two weeks.

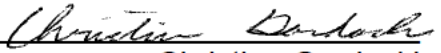
Claimant's biweekly income of \$368 converts to a \$736/month amount for purposes of AMP eligibility. Applying the \$200 and 20% disregard to Claimant's monthly income results in a net income of \$428 (dropping cents).

The AMP net income limit for a single individual in an independent living situation is \$316. 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 benefit eligibility effective 8/2011 due 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: May 16, 2012

Date Mailed: May 16, 2012

NOTICE: Michigan Administrative Hearing System (MAHS) 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. MAHS 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. (60 days for FAP cases).

The Claimant may appeal the Decision and Order to Circuit Court within 30 days of the receipt 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.

Claimant may request a rehearing or reconsideration for the following reasons:

- A rehearing **MAY** be granted if there is newly discovered evidence that could affect the outcome of the original hearing decision.
- A reconsideration **MAY** be granted for any of the following reasons:
 - misapplication of manual policy or law in the hearing decision,
 - typographical errors, mathematical error, or other obvious errors in the hearing decision that effect the substantial rights of the claimant:
 - the failure of the ALJ to address other relevant issues in the hearing decision.

Request must be submitted through the local DHS office or directly to MAHS by mail at
Michigan Administrative Hearings
Reconsideration/Rehearing Request
P. O. Box 30639
Lansing, Michigan 48909-07322

CG/hw

cc:

