

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

**IN THE MATTER OF:**



Reg. No.: 20122683  
Issue No.: 2001  
Case No.:   
Hearing Date: November 21, 2011  
County: Wayne (57)

**ADMINISTRATIVE LAW JUDGE:** Alice C. Elkin

**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, a telephone hearing was held on November 21, 2011, from Detroit, Michigan. Participants on behalf of Claimant included Claimant. Participants on behalf of Department of Human Services (Department) included , Assistant Payment Supervisor, and , Assistant Payment worker.

**ISSUE**

With respect to the Adult Medical Assistance (AMP) Program, did the Department properly  deny Claimant's application?  close Claimant's case?

**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  applied for  was a recipient of AMP benefits.
2. Claimant  was  was not living with a spouse during the time period in question.
3. The total countable income of Claimant's household was \$840 at all times relevant to this matter.
4. The Department  denied Claimant's application  closed Claimant's case due to excess income.

5. On September 12, 2011, the Department sent notice of the  denial  closure to Claimant.
6. On September 22, 2011, Claimant filed a hearing request, protesting the  denial of the application.  closure of the case.

### **CONCLUSIONS OF LAW**

The Adult Medical Program (AMP) is established by 42 USC 1315, and is administered by the Department pursuant to MCL 400.10, *et seq.* Department policies are contained in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Reference Tables Manual (RFT).

Additionally, the Department closed Claimant's AMP case effective October 1, 2011, based on its finding that Claimant's income exceeded the AMP income limits. Income eligibility exists when the program group's monthly net income does not exceed the program group's AMP income limit. The AMP monthly income limit for Claimant, an individual in an independent living arrangement, is \$316.

Claimant acknowledges that her gross biweekly income was \$420. Therefore, the Department properly concluded that her gross monthly income was \$840. BEM 640. After a earned income deduction of \$200 and an additional 20% from the remaining monthly gross income, Claimant was left with a monthly net income of \$512. Because Claimant's monthly net income of \$512 exceeded the AMP monthly income limit of \$316, the Department acted in accordance with Department policy when it closed Claimant's AMP case based on excess income.

Based on the above Findings of Fact and Conclusions of Law, and for reasons stated on the record, the Administrative Law Judge concludes that the Department

- properly denied Claimant's application.  improperly denied Claimant's application.  
 properly closed Claimant's case.  improperly closed Claimant's case.

### **DECISION AND ORDER**


The Administrative Law Judge, based on the above Findings of Fact and Conclusions of Law, and for the reasons stated on the record, finds that the Department

- did act properly.  did not act properly.

Accordingly, the Department's AMP decision is  AFFIRMED  REVERSED for the reasons stated above and on the record.

THE DEPARTMENT IS ORDERED TO DO THE FOLLOWING WITHIN 10 DAYS OF THE DATE OF MAILING OF THIS DECISION AND ORDER:

1.

  
**Alice C. Elkin**  
Administrative Law Judge  
for Maura Corrigan, Director  
Department of Human Services

Date Signed: December 8, 2011

Date Mailed: December 8, 2011

**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.


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.

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

ACE/ctl

cc:   
Wayne County DHS (57)

A.   
File Elkin