

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

IN THE MATTER OF:



Reg. No.: 2012-51286
Issue No.: 2001
Case No.: [REDACTED]
Hearing Date: June 6, 2012
County: Wayne (49)

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 June 6, 2012, from Detroit, Michigan. Participants on behalf of Claimant included Claimant. Participants on behalf of Department of Human Services (Department) included [REDACTED], Medical Contact 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 unknown at all times relevant to this matter.
4. The Department denied Claimant's application closed Claimant's case effective June 1, 2012, due to excess income.
5. On May 1, 2012, the Department sent notice of the denial closure to Claimant.

6. On May 3, 2012, 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, in connection with Claimant's FAP application, the Department learned that Claimant was receiving income as a home health provider to her brother. Based on its finding that Claimant's income exceeded the AMP income limit, the Department closed Claimant's AMP case effective June 1, 2012. Claimant's hearing request concerned the closure of her AMP case.

Income eligibility for AMP coverage exists when the AMP group's net income does not exceed the group's AMP income limit. BEM 640. The AMP income limit for Claimant, an individual in an independent living arrangement, is \$316. RFT 236.

While the Department testified that Claimant's AMP case was closed because her income exceeded the applicable AMP income limit, it did not provide a copy of Claimant's AMP budget showing the amount of monthly income upon which it based its decision and was unable to testify as to the amount it used to establish Claimant's ineligibility. While Claimant did acknowledge that she received income as a home health aid provider, it was not clear from the testimony how much she earned on a monthly basis. Under the facts in this case, the Department failed to establish that it acted in accordance with Department policy in closing Claimant's AMP case for exceeding the AMP income limit.

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. Reinstate Claimant's AMP case as of June 1, 2012;
2. Reprocess Claimant's AMP eligibility as of June 1, 2012, ongoing;
3. Provide AMP coverage to Claimant that she is eligible to receive from June 1, 2012, ongoing; and
4. Notify Claimant in writing of its decision in accordance with Department policy.


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

Date Signed: June 12, 2012

Date Mailed: June 12, 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

ACE/cl

cc:

