


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

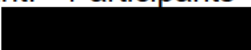
IN THE MATTER OF:



Reg. No.: 2012994
Issue No.: 2001
Case No.: 
Hearing Date: November 21, 2011
County: Wayne County DHS(15)

ADMINISTRATIVE LAW JUDGE: Lynn M. Ferris

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 the Claimant. Participants on behalf of Department of Human Services (Department) included , Assistance Payments 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 was \$0 at all times relevant to this matter.
4. The Department denied Claimant's application closed Claimant's case due to excess income and failure to return New Hire Client Notice.
5. On 9/9/11, the Department sent notice of the denial closure to Claimant.

6. On 9/16/11, 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, a review of the Department's action indicates that it improperly closed the Claimant's AMP case because it considered failure to verify the income of her son as a reason to close the case. The Claimant's son who is age 21 and who lives with the Claimant began working and the Department requested wage and employment information. When the Department did not receive information it requested by the due date, it closed the Claimant's AMP case. The Claimant's son's income does not count toward the AMP income calculation and is not included in making the determination of whether the Claimant is eligible for AMP. Only a spouse's income, if any, can be considered. BEM 214, page 2. The Claimant's son is not part of the Claimant's AMP group for purposes of determining eligibility. The Department incorrectly closed the Claimant's AMP case, assuming her son's income counted in determining the Claimant's income eligibility for AMP. The notice reasons provided by the Department reference Food Assistance provisions BEM 544 which is also incorrect. While the Department might close the Claimant's FAP case for failure to provide income and employment verification, it cannot close the Claimant's AMP case for this reason.

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

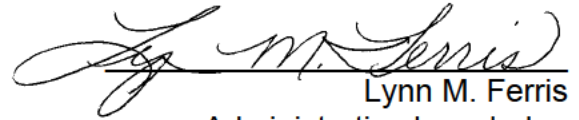
The Administrative Law Judge, based on the above Findings of Fact and Conclusions of Law, and for the reasons stated on the record, finds that the Department

- did act properly. did not act properly.

Accordingly, the Department's AMP decision is AFFIRMED REVERSED for the reasons stated 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. The Department shall initiate reinstatement of the Claimant's AMP case retroactive to the date of closure 10/1/11.
2. The Department shall redetermine the Claimant's AMP eligibility based on the correct income for the Claimant as required by Department policy.


Lynn M. Ferris
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: 11/23/11

Date Mailed: 11/23/11

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

LMF/hw

cc:



