

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

IN THE MATTER OF:



Reg. No.: 2013-22404
Issue No.: 2001
Case No.: [REDACTED]
Hearing Date: May 30, 2013
County: Genesee-06

ADMINISTRATIVE LAW JUDGE: Landis Y. Lain

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 a hearing. After due notice, a telephone hearing was held on May 30, 2013. The claimant appeared and testified. The department was represented by Eligibility Specialist [REDACTED] [REDACTED].

ISSUE

Did the department of Human Services (the department) properly cancel claimant's Adult Medical Program (AMP) benefits?

FINDINGS OF FACT

The Administrative Law Judge, based upon the competent, material, and substantial evidence on the whole record, finds as material fact:

- (1) Claimant was an AMP benefit recipient.
- (2) Claimant's case was scheduled for redetermination in November 2012.
- (3) An AMP budget was generated with the claimant's prior thirty days of income.
- (4) The AMP budget indicated that claimant had excess income for continued eligibility for AMP.
- (5) On December 20, 2012, the department caseworker sent claimant notice that her application was denied due to excess income.
- (6) On December 26, 2012, claimant filed a request for a hearing to contest the department's negative action.

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 seq.* Department policies are contained in the Program Administrative Manual (PAM), the Program Eligibility Manual (PEM) and the Program Reference Manual (PRM).

Based upon claimant's age and the fact that she has no minor children in the home and she is not considered disabled, the Adult Medical Program (AMP) is the only form of Medical Assistance (MA) available through the Department of Human Services. Program Reference Manual, RFT, Item 236, indicates that a person in claimant's circumstances has an income limit of \$316 per month for purposes of AMP eligibility. The claimant's pay stubs from October 19-November 16, 2012 indicates that she earned gross income of \$ [REDACTED]. She was given an earned income deduction of \$ [REDACTED] which left her with \$ [REDACTED] in net earned income. The AMP income limit is \$316 and therefore, claimant had excess income for purposes of the Adult Medical Program eligibility because she had a monthly net income in the amount of \$ [REDACTED] (department exhibits 3a-d).

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the department has established by the necessary competent, material and substantial evidence on the record that it was acting in compliance with department policy when it denied claimant's continued application for the Adult Medical Program because claimant had excess income for purposes of the Adult Medical Program.

Accordingly, the department's decision is **AFFIRMED**.

/s/ _____

Landis Y. Lain
Administrative Law Judge
For Ismael Ahmed, Director
Department of Human Services

Date Signed: June 3, 2013

Date Mailed: June 3, 2013

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.

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

LYL/las

cc:

