

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

IN THE MATTER OF:



Reg. No.: 20136365
Issue No.: 2001
Case No.: [REDACTED]
Hearing Date: February 14, 2013
County: Alpena County DHS

ADMINISTRATIVE LAW JUDGE: C. Adam Purnell

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 February 14, 2013, from Lansing, Michigan. Claimant personally appeared and provided testimony. Participants on behalf of Department of Human Services (Department) included [REDACTED] (Eligibility Specialist) and [REDACTED] (Family Independence Manager).

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 \$ [REDACTED] at all times relevant to this matter.
4. The Department denied Claimant's application closed Claimant's case due to excess income.
5. On October 10, 2012, the Department sent notice of the denial closure to Claimant.

¹ Claimant reported this amount as his gross income amount on a Redetermination (DHS-1010) form. The Department, at the time, did not have verification that this amount may not be correct.

6. On October 19, 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).

The two categories of AMP are the G Program (AMP-G) and the H Program (AMP-H). BEM 640. AMP-G consists of SDA cash payment recipients who are eligible for AMP when they: (1) are not eligible for MA or other Department medical programs; and (2) do not have private health care coverage; and (3) there is not an enrollment freeze in effect in the month of application. BEM 640. AMP-H provides clients with medical benefits only. BEM 640. Clients must meet all eligibility factors in BEM 640.

Income eligibility exists when the program group's net income does not exceed the program group's AMP income limit. BEM 640. The AMP income limits are in RFT 236.

For AMP-H, the Department will use only countable and available income. BEM 640. Countable income is income remaining after applying AMP policy in BEM 500, 501, 502, 503, 504. BEM 640. Available means income which is received or can reasonably be anticipated. Available income includes amounts garnisheed from income, joint income, and income received on behalf of a person by his representative. BEM 640.

According to RFT 236, AMP monthly income limits are determined by a client's living arrangement. For a client living independently, the individual monthly income limit is \$ [REDACTED] RFT 236. Here, Claimant reported to the Department on a redetermination form that his weekly income was \$ [REDACTED]. During the hearing, Claimant reported that he misinterpreted the DHS-1010 form and mistakenly included his total income covering a period of 3 to 4 months. The Department attempted to contact Claimant in an attempt to obtain clarification, but Claimant did not return the Department's telephone messages. Accordingly, the Department recalculated Claimant's AMP eligibility based on the information he provided. Claimant's reported net monthly income exceeds the AMP income limit of \$ [REDACTED] based on Claimant's living arrangement under RFT 236.

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.

IT IS SO ORDERED.

/s/ _____
C. Adam Purnell
Administrative Law Judge
For Maura Corrigan, Director
Department of Human Services

Date Signed: February 15, 2013

Date Mailed: February 19, 2013

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

CAP/cr

cc:

