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

IN THE MATTER OF:

Reg. No: Issue No: Case No:

201359232 2001, 2014

Hearing Date: August 21, 2013

Allegan County DHS

ADMINISTRATIVE LAW JUDGE: Suzanne D. Sonneborn

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37 upon Claimant's request for a hear ing received by the Department of Human Services (department) on July 19, 2013. After due notic e, a telephone hearing was held on August 21, 2013 at which Claimant appeared and provided testimony. The department was represented by an eligibility specialist, and an assistance payments supervisor, both with the departm ent's Allegan Count y office.

ISSUE

Whether the department determined that Claimant is not eligible for Adult Medical Program (AMP) benefits due to excess income?

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 a rec ipient of F ood Ass istance Program (FAP) and AM Ρ benefits at all times relevant to this hearing.
- 2. On June 25, 2013, the department maile d Claimant a New Hire Client Notice (DHS-4635), requesting that Claimant return the completed form by July 2013, along with any pay stubs that Cl aimant has thus far received. (Department Exhibit 3)
- 3. Claimant failed to s ubmit the completed New Hire Client Notice form by the July 5, 2013 deadline.
- 4. On July 8, 2013, the department mail ed Claimant a Notice of Case Action (DHS 1605), informing her that, effe ctive August 1, 2013, her FAP and AMP

benefits would be closed due to her failure to verify necessary information. (Department Exhibit 2)

- 5. On July 19, 2013, the department re ceived Claimant's hearing request, protesting the department's closure of her FAP and AMP benefits, as well as Claimant's completed New Hire C lient Notice and two pay stubs.

 (Department Exhibits 1, 4)
- 6. On July 19, 2013, the department relinstated and redetermined Claimant's FAP benefits based on Claim ant's pay stub information, resulting in a decrease of her FAP benefits from \$200.00 to \$184.00. The department also redetermined Claimant's eligibility for AMP benefits and concluded that Claimant's income exceeds the limit for the program. (Department Exhibits 5, 6)

CONCLUSIONS OF LAW

The regulations governing the hearing and a ppeal process for applicants and recipients of public assistance in Mic higan are found in sections 400.901 to 40 0.951 of the Michigan Administrative Code (Mich Admin Code). An opportunity for a hearing shall be granted to an applic ant who requests a hearing because her claim for assistance has been denied. Mich Admin Code R 400.90 3(1). Clients have the right to contest a department decision affecting eligibility or benefit levels whenever it is believed that the decision is incorrect. The client or authorized hearing representative has 90 calendar days from the date of the written notice of case action to request a hearing. The request must be received anywhere in DHS within the 90 days. Department of Human Services Bridges Administrative Manual (BAM) 600 (2011). The department will provide an administrative hearing to review the decision and determine the appropriateness of that decision. BAM 600.

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 (DHS or department) pursuant to MCL 400.10, et seq. Department policies are contained in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM), the Bridges Reference Manual (BRM), and the Reference Tables Manual (RFT).

Department policy provides that income eligibility exists when the program group's n et income does not exc eed the program group's AMP income lim it. BEM 640. The AMP income limits are in RFT 236. The depar the the trust use only available income. Available income means income which is received or can reasonably be anticipated. Available income includes am ounts garnished from income, joint income, and income received on behalf of a person by his representative. BEM 640. The department

_

¹ At the August 21, 2013 hearing, Claimant testified that she no longer disagrees with the department's actions with respect to her FAP benefits and only challenges the department's determination that her income exceeds the limit for the AMP program.

averages income received in one month which is intended to c over several months by dividing the income by the number of months it c overs to determine the monthly available income. The average amount is cons idered available in each of the months. When determining income from the past month, the department uses the amount actually received in the past month. BEM 640.

In this case, Claimant's hearing request challenges the department's determination that Claimant is not eligible for AMP benefits effective due to excess income.

At the August 21, 2013 hearing in this matt er, the department's representative testified that, because Claimant's monthly net inc ome after an earned income deduction is it exceeds the income limit for the AMP pro gram and she is not eligible for AMP benefits.

Claimant did not disagree wit h the monthly income am ount relied upon by the department (\$ 100 in calculating the AM P Income Budget Results set forth in Department Exhibit 6.

A claimant with a group size of one has a ma ximum income limit of \$ RFT 236. Because Claimant's net income of \$ exceeds the allowable AMP monthly income limit of \$ Claimant is not eligible for AMP benefits due to excess income.

Accordingly, the Administrative Law Judge finds that based on the competent, material, and substantial evidence presented during the August 21, 2013 hearing, the department properly determined that Claim ant is not elig ible for AMP benefits effective August 1, 2013 due to excess income.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusion sof law, decides the department properly determined that Claimant is not eligible for AMP benefits effective August 1, 2013 due to excess income. The department's AMP eligibility determination is therefore **UPHELD**.

It is **SO ORDERED**.

/s/	
	Suzanne D. Sonneborn
	Administrative Law Judge
	for Maura D. Corrigan, Director
	Department of Human Services

Date Signed: August 22, 2013

Date Mailed: August 22, 2013

NOTICE: Michigan Administrative Hearing S ystem (MAHS) may order a rehearing or reconsideration on either its own motion or at the request of a par ty within 30 days of the mailing date of this Dec ision and Order. MAHS will not or der a rehearing or reconsideration on the Department's mo tion where the final decis ion cannot be implemented within 90 days of the filing of the original request.

The Claimant may appeal this Decision and Or der 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 <u>MAY</u> 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 errors, or other obvious errors in the hearing decision that affect the substantial rights of Claimant;
 - The failure of the ALJ to address other relevant issues in the hearing decision.

A request for a rehearing or reconsideration must be submitted through the local DHS office or directly to MAHS by mail at:

Michigan Administrative Hearings System
Recons ideration/Rehearing Request
P.O. Box 30639
Lansing, MI 48909-07322

SDS/hi

