

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

IN THE MATTER OF:

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Reg. No.: 2013-47295
Issue No.: 2014
Case No.: ██████████
Hearing Date: July 25, 2013
County: Wayne (19)

ADMINISTRATIVE LAW JUDGE: Zainab Baydoun

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 conducted on July 25, 2013 from Detroit, Michigan. Claimant appeared and testified. Participating on behalf of the Department of Human Services (Department) was ██████████ ██████████ Assistance Payment Supervisor, and ██████████ ██████████ Eligibility Specialist.

ISSUE

Due to excess income, did the Department properly deny Claimant's Adult Medical Program (AMP) application?

FINDINGS OF FACT

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

1. On March 12, 2013, Claimant applied for AMP benefits.
2. On March 21, 2013, the Department sent Claimant a Notice of Case Action denying the AMP application because the program was closed to new enrollments. (Exhibit 1).
3. On April 1, 2013 Claimant submitted a second application for AMP benefits.
4. On April 30, 2013, the Department sent Claimant a Notice of Case Action denying the AMP application due to excess income. (Exhibit 2).

5. On May 9, 2013, Claimant filed a hearing request disputing the Department's actions.

CONCLUSIONS OF LAW

Department policies are contained in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM), and the Reference Tables Manual (RFT).

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 Department of Human Services Bridges Administrative Manual (BAM), the Department of Human Services Bridges Eligibility Manual (BEM) and the Department of Human Services Reference Tables Manual (RFT).

In this case, Claimant submitted an application for AMP on March 12, 2013 which was denied because the program was closed to new enrollment. Claimant was provided notice of the denial through a Notice of Case Action. (Exhibit 1). Applications received during the freeze on AMP enrollments must be registered and denied using "applicant did not meet other eligibility requirements" as the denial reason. Applicants must be informed that the reason for denial is an enrollment freeze. BEM 640 (October 2012), p. 1. As such, the Department acted in accordance with Department policy when it denied Claimant's March 12, 2013 application for AMP.

Additionally, Claimant submitted a second application for AMP on April 1, 2013 when the program reopened for new enrollment. The Department testified that it denied Claimant's application because her income exceeded the AMP income limit. (Exhibit 2). Income eligibility for AMP coverage exists when the AMP group's net income does not exceed the group's AMP income limit. BEM 640, p 3. At the time of Claimant's application, the AMP income limit for Claimant, an individual in an independent living arrangement, was \$336. BEM 214 (January 2010), p 2; RFT 236 (April 1, 2009), p 1.

In budgeting income at application, the Department must use amounts already received in the processing month and estimate amounts likely to be received during the remainder of the month based on information provided by the client. BEM 640, p 4. When the amount of income from a source changes from month to month, the Department must estimate the amount that will be, or is likely to be, received in the future month. BEM 640, p 4.

At the hearing, the Department provided an AMP income budget showing the calculation of Claimant's unearned income of \$776.00. (Exhibit 3). The Department relied on an Unemployment Compensation Search (UCS) in support of its calculation. (Exhibit 4). The Department testified that, in connection with calculating Claimant's unearned income, it considered \$429.00 in unemployment compensation received on April 22, 2013 and \$286.00 in unemployment compensation received on May 6, 2013. The Department stated that it added those amounts together and determined that Claimant had unearned income of \$776.00. After further review, this calculation was in

error as \$429.00 and \$286.00 added together total \$715.00. This error proved to be harmless however, as \$715.00 is still above the AMP income limit. Claimant reviewed the UCS and confirmed that the amounts listed are the same as she receives each month. As such, the Department acted in accordance with Department policy when it denied Claimant's AMP application due to excess income.

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 acted in accordance with Department policy when it denied Claimant's AMP application for excess income. Accordingly, the Department's AMP decision is AFFIRMED.



Zainab Baydoun
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: August 16, 2013

Date Mailed: August 16, 2013

NOTICE OF APPEAL: 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 or Reconsideration was made, within 30 days of the receipt date of the Decision and Order of Reconsideration or Rehearing Decision.

A Request for Rehearing or Reconsideration may be granted when one of the following exists:

- Newly discovered evidence that existed at the time of the original hearing that could affect the outcome of the original hearing decision;
- Misapplication of manual policy or law in the hearing decision which led to a wrong conclusion;
- Typographical, mathematical or other obvious error in the hearing decision that affects the rights of the client;
- Failure of the ALJ to address in the hearing decision relevant issues raised in the hearing request.

The Department, AHR or the claimant must specify all reasons for the request. MAHS will not review any response to a request for rehearing/reconsideration. A request must be *received* in MAHS within 30 days of the date the hearing decision is mailed.

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The written request must be faxed to (517) 335-6088 and be labeled as follows:

Attention: MAHS Rehearing/Reconsideration Request

If submitted by mail, the written request must be addressed as follows:

Michigan Administrative Hearings
Reconsideration/Rehearing Request
P.O. Box 30639
Lansing, Michigan 48909-07322

ZB/cl

cc: [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]