

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

IN THE MATTER OF:

[REDACTED]

Reg. No: 201349361
Issue No: 2001, 2014
Case No: [REDACTED]
Hearing Date: August 28, 2013
Iosco 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 hearing received by the Department of Human Services (department) on May 21, 2013. After due notice, a telephone hearing was held on August 28, 2013 at which Claimant appeared and provided testimony. The department was represented by [REDACTED] a case manager, with the department's Iosco County 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. On April 11, 2013, Claimant applied for Medical Assistance benefits. In doing so, Claimant reported in her application that she received unearned income (worker's compensation benefits) in the amount of \$385.92 on a biweekly basis and that this income was expected to continue for the next 30 days. Claimant further reported that she was not blind or disabled. (Department Exhibit A)
2. On April 15, 2013, the department mailed Claimant a Notice of Case Action (DHS 1605), informing her that, effective April 1, 2013, her application for AMP benefits had been denied for the reason that her income amount exceeds the limit for the program. (Department Exhibits B, C)

3. On May 21, 2013, the department received Claimant's hearing request, protesting the department's denial of her application for AMP benefits. (Department Exhibit D)

CONCLUSIONS OF LAW

Clients have the right to contest a department decision affecting eligibility or benefit levels whenever it is believed that the decision is incorrect. The department will provide an administrative hearing to review the decision and determine the appropriateness of that decision. Department of Human Services Bridges Administrative Manual (BAM) 600 (2011), p. 1. The regulations governing the hearing and appeal process for applicants and recipients of public assistance in Michigan are found in sections 400.901 to 400.951 of the Michigan Administrative Code (Mich Admin Code). An opportunity for a hearing shall be granted to an applicant who requests a hearing because his claim for assistance is denied. Mich Admin Code R 400.903(1).

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 net income does not exceed the program group's AMP income limit. BEM 640. The AMP income limits are in RFT 236. A claimant with a group size of one has a maximum income limit of \$ [REDACTED] RFT 236. The department must use only available income. Available income means income which is received or can reasonably be anticipated. Available income includes amounts garnished from income, joint income, and income received on behalf of a person by his representative. BEM 640. The department averages income received in one month which is intended to cover several months by dividing the income by the number of months it covers to determine the monthly available income. The average amount is considered 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 28, 2013 hearing in this matter, the department's representative, Terri Beavers, testified that, because Claimant received monthly net unearned income in the amount of \$ [REDACTED] in worker's compensation benefits at the time of her application for AMP benefits, her income exceeded the \$ [REDACTED] income limit for the AMP program as set forth in Reference Table 236 and she is not eligible for AMP benefits. Ms. Beavers further testified that, after the department had denied Claimant's application for AMP

benefits due to excess income, Claimant reported to her that Claimant's worker's compensation benefits ended April 14, 2013.

Claimant did not disagree with the monthly income amount relied upon by the department [REDACTED] in calculating the AMP Income Budget Results set forth in Department Exhibit B, but Claimant argued that because her worker's compensation benefits ended on April 14, 2013, the department should not have denied her application for AMP benefits due to excess income..

Testimony and other evidence must be weighed and considered according to its reasonableness. *Gardiner v Courtright*, 165 Mich 54, 62; 130 NW 322 (1911); *Dep't of Community Health v Risch*, 274 Mich App 365, 372; 733 NW2d 403 (2007). Moreover, the weight and credibility of this evidence is generally for the fact-finder to determine. *Dep't of Community Health*, 274 Mich App at 372; *People v Terry*, 224 Mich App 447, 452; 569 NW2d 641 (1997).

This Administrative Law Judge has carefully considered and weighed the testimony and other evidence in the record and finds, based on the competent, material, and substantial evidence presented during the August 28, 2013 hearing, that because Claimant had reported in her April 11, 2013 application for AMP benefits that she was receiving worker's compensation benefits and that she expected to continue receiving them for the next 30 days, the onus was on Claimant to timely advise the department that such benefits were in fact ending on April 14, 2013. Because Claimant did not so until after the department processed Claimant's application and determined on April 15, 2013 that Claimant was not eligible for AMP benefits due to excess income, this Administrative Law Judge finds that the department acted in accordance with policy.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides the department properly determined that Claimant is not eligible for AMP benefits effective April 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 29, 2013

Date Mailed: August 29, 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 this Decision and Order 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 **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 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
Reconsideration/Rehearing Request
P.O. Box 30639
Lansing, MI 48909-07322

SDS/hj

cc:

