

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

IN THE MATTER OF:

[REDACTED]

Reg. No: 201359232
Issue No: 2001, 2014
Case No: [REDACTED]
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 hearing received by the Department of Human Services (department) on July 19, 2013. After due notice, a telephone hearing was held on August 21, 2013 at which Claimant appeared and provided testimony. The department was represented by [REDACTED] [REDACTED] an eligibility specialist, and [REDACTED] [REDACTED] an assistance payments supervisor, both with the department's Allegan 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. Claimant was a recipient of Food Assistance Program (FAP) and AMP benefits at all times relevant to this hearing.
2. On June 25, 2013, the department mailed Claimant a New Hire Client Notice (DHS-4635), requesting that Claimant return the completed form by July 5, 2013, along with any pay stubs that Claimant has thus far received. (Department Exhibit 3)
3. Claimant failed to submit the completed New Hire Client Notice form by the July 5, 2013 deadline.
4. On July 8, 2013, the department mailed Claimant a Notice of Case Action (DHS 1605), informing her that, effective 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 received Claimant's hearing request, protesting the department's closure of her FAP and AMP benefits, as well as Claimant's completed New Hire Client Notice and two pay stubs.¹ (Department Exhibits 1, 4)
6. On July 19, 2013, the department reinstated and redetermined Claimant's FAP benefits based on Claimant'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 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 her claim for assistance has been denied. Mich Admin Code R 400.903(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 net income does not exceed the program group's AMP income limit. BEM 640. The AMP income limits are in 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

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 cover over 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 21, 2013 hearing in this matter, the department's representative testified that, because Claimant's monthly net income after an earned income deduction is \$ [REDACTED] it exceeds the income limit for the AMP program and she is not eligible for AMP benefits.

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 6.

A claimant with a group size of one has a maximum income limit of \$ [REDACTED] RFT 236. Because Claimant's net income of \$ [REDACTED] exceeds the allowable AMP monthly income limit of \$ [REDACTED] 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 Claimant is not eligible 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 conclusions of 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 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:

