

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

IN THE MATTER OF:



Reg. No.: 2014-28206
Issue No.: 2010
Case No.:
Hearing Date: March 27, 2014
County: Livingston

ADMINISTRATIVE LAW JUDGE: Landis Y. Lain

HEARING DECISION

Following Claimant's request for a hearing, this matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and 400.37; 7 CFR 273.15 to 273.18; 42 CFR 431.200 to 431.250; 45 CFR 99.1 to 99.33; and 45 CFR 205.10. After due notice, an in-person hearing was held on March 27, 2014, from Brighton, Michigan. Participants on behalf of Claimant included Claimant. Participants on behalf of the Department of Human Services (Department) included , Eligibility Specialist and , Assistance Payments Manager.

ISSUE

With respect to the Adult Medical Assistance Program (AMP), did the Department properly 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 was an AMP benefit recipient based on a hearing decision register 2014-418 to render December 20, 2013, which ordered the Department to reinstate Claimant's Adult Medical Program retroactively to October 1, 2013 following Department policies.
2. On January 14, 2014, the Department caseworker sent Claimant a letter requesting information for the determination of eligibility.
3. On at January 21, 2014, Claimant came in with a DHS-1010 determination form completed for October 2013.

4. At that time, based on new policy the Department caseworker asked for Claimant's [REDACTED].
5. Claimant provided the caseworker with the information.
6. The bridges system was updated and it was determined that Claimant had excess income for the AMP program.
7. The Department determined that Claimant had total earned income of \$ [REDACTED] per month with a net income of \$ [REDACTED] per month.
8. The Department denied Claimant's application due to excess income.
9. On January 21, 2014, the Department sent notice of its decision to Claimant/Claimant's Authorized Representative (AR).
10. On February 3, 2014, Claimant/Claimant's Authorized Hearing Representative (AHR) filed a hearing request, protesting the Department's action.

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

Claimant testified on the record that his [REDACTED] should not have been used for [REDACTED], because [REDACTED].

BEM 502, at page 7, states that for self-employment income verification source is an income tax return when the Claimant has not started or ended self-employment or received an increase/decrease in income and the tax return is still representative of future income, and the Claimant has filed a tax return.

Additionally, the Department caseworker determined that Claimant had total earned income of \$ [REDACTED] per month for a net earned income of \$ [REDACTED] per month after giving Claimant a \$ [REDACTED]. The net income limit for the Adult Medical Program is \$ [REDACTED] per month which led the Department caseworker determined that Claimant had excess income.

The Administrative Law Judge, based on the above Findings of Fact and Conclusions of Law, and for the reasons stated on the record, if any, finds that the Department acted in accordance with Department policy.

DECISION AND ORDER

Accordingly, the Department's AMP decision is AFFIRMED.



Landis Y. Lain
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: 4/15/14

Date Mailed: 4/16/14

NOTICE OF APPEAL: 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.

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).

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 Claimant;
- 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

LYL/tb

cc:

