

STATE OF MICHIGAN
STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES

ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF: [REDACTED],
Claimant

Reg. No: 2008-22732
Issue No: 2003
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
April 22, 2009
Branch County DHS

ADMINISTRATIVE LAW JUDGE: Landis Y. Lain

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. After due notice, a telephone hearing was held on April 22, 2009. Claimant personally appeared and testified.

ISSUE

Did the Department of Human Services (the department) properly cancel claimant's Medical Assistance (MA-N) based upon its determination that claimant was no longer a caretaker relative?

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 filed an application for Medical Assistance on January 4, 2008.
- (2) Claimant's stepdaughter is age 18 and listed as still attending school.
- (3) The grade listed as completed is grade 11.

(4) The notes section indicated the child graduates in June 2008. (See Exhibit 1)

(5) In a case conference the caseworker was notified that claimant's stepdaughter did not graduate as she was short one credit.

(6) Claimant's stepdaughter is not a full-time student.

(7) The department caseworker sent claimant notice that his review application for Medical Assistance would be denied and his Medical Assistance benefits cancelled as of June 17, 2008 based upon him no longer being caretaker relative.

(8) On June 6, 2008, claimant filed a request for a hearing to contest the department's negative action.

CONCLUSIONS OF LAW

The Medical Assistance (MA) program is established by Title XIX of the Social Security Act and is implemented by Title 42 of the Code of Federal Regulations (CFR). The Department of Human Services (DHS or department) administers the MA program pursuant to MCL 400.10, *et seq.*, and MCL 400.105. Department policies are found in the Program Administrative Manual (PAM), the Program Eligibility Manual (PEM) and the Program Reference Manual (PRM).

This is an FIP-related Group 2 related MA category. MA is available to parents and other caretaker relatives who meet the eligibility factors in this item. All eligibility factors must be met in the calendar month being tested. If the month being tested in an L/H month and eligibility exists, go to PEM 546 to determine post-eligibility patient pay amount.

A caretaker relative is person who meets all of the following requirements:

- Except for temporary absences, the person lives with the dependent child.

- A person is the parent of the dependent child or the specified relative other than the parent who acts as a parent for the dependent child. Specified relative is defined later in this item. The person who acts as a parent means provides physical care and/or supervision. (PEM, Item 135, p. 1)

A child is a dependent child when he or she meets all of the following conditions:

- The child is born.
- The child meets the FIP eligibility factors in PEM 223, PEM 225, PEM 227 and PEM 270 and the child is a resident in the MA policy in PEM 220.
- The child meets the following age or age in school attendance requirement that he must be under age 18; or he must be age 18 and a full-time student in a high school or in the equivalent level of vocational or technical training as defined in FIP policy in PEM 245. He must be expected to complete his educational or training program before age 19.
- The child is a FIP recipient, a SSI recipient, a MA applicant, active MA deductible, active MA recipient and active My Child recipient.

In the instant case, claimant's stepdaughter was not a full-time student in 2008 and was a credit short of graduation. Claimant's stepchild is also already 18 years of age. Therefore, since claimant's child was age 18 and not enrolled in school full-time, the department established by the necessary, competent, material and substantial on the record that it was acting in compliance

with department policy when it proposed to cancel claimant's Medical Assistance benefits based upon its determination that claimant was no longer a caretaker relative under the circumstances.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the department properly denied claimant's application for Medical Assistance benefits based upon the foregoing circumstances.

Accordingly, the department's decision is AFFIRMED.

/s/

Landis Y. Lain
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: June 11, 2009

Date Mailed: June 11, 2009

NOTICE: Administrative Hearings 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. Administrative Hearings 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 the Decision and Order to Circuit Court within 30 days of the mailing 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.

LYL/vmc

cc:

