

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: 2008-27137

Issue No: 2003

Case No: [REDACTED]

Load No: [REDACTED]

Hearing Date:

April 28, 2009

Oakland County DHS

ADMINISTRATIVE LAW JUDGE: Janice Spodarek

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 conference hearing was held on April 28, 2009.

ISSUE

Did the Department of Human Services (DHS) properly propose to close claimant's caretaker-relative MA on the grounds that claimant no longer had an eligible child in the household group?

FINDINGS OF FACT

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

- (1) At all relevant times prior to the proposed negative action herein, claimant received MA on the basis of caretaker-relative of an eligible child in her household.
- (2) Claimant's case was reviewed in approximately July, 2008. At that time, claimant indicated that she no longer had any minor children living with her. The department placed the

case into suspense for closure with an effective date of July 15, 2008. Claimant filed a timely hearing request and the department reinstated the action pending the outcome of the hearing.

(3) A review of claimant's case in October, 2008, revealed that the action never took place and a hearing was never held. The department re-issued a notice of closure on the basis of no eligible child in the group. Claimant filed a timely hearing request on 10/30/08. The department reinstated the action pending the outcome of the hearing.

(4) Claimant stipulated at the administrative hearing that she did not have an eligible child in her group.

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).

Applicable policy and procedure to the case herein is found in PAM Item 220 and PEM Item 135. In order for an individual to be eligible for caretaker-relative MA, there must be an eligible child in the group.

Claimant stipulated at the administrative hearing that her youngest child is 19 and not in school. Claimant does not have eligibility for caretaker-relative MA. PEM Item 135.

The department testified that it had considered all possible other MA categories. Claimant had not indicated to the department at that time that she was disabled. The department encouraged claimant to apply for the State Medical Program. Claimant has continued to receive benefits for MA. Claimant has no other eligibility than potentially MA-P. Claimant understands that she may

apply. As the case stands, there is no eligibility and thus, the department's proposed closure is hereby upheld.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the department's proposed closure of claimant's caretaker-relative MA on the grounds that claimant no longer has an eligible child in the household group was correct.

Accordingly, the department's proposed closure is hereby UPHELD. The department may take its proposed action.

/s/ _____
Janice Spodarek
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: June 4, 2009

Date Mailed: June 5, 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 mailing date of the rehearing decision.

JS/cv

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