

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: 2008-22745

Issue No: 2015

Case No: [REDACTED]

Load No: [REDACTED]

Hearing Date:

May 14, 2009

Montcalm County DHS

ADMINISTRATIVE LAW JUDGE: Gary F. Heisler

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 hearing was held on May 14, 2009. Claimant appeared and testified.

ISSUE

Did the Department of Human Services properly end claimant's Medical Assistance (MA) benefits due to her no longer having a minor child in her household?

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 an ongoing recipient of Medical Assistance (MA) due to her status as a caretaker relative of a dependent child. Claimant's youngest child's birth date is

[REDACTED]

(2) In June, 2008 claimant's youngest child was no longer in school and had moved out of Claimant's household.

(3) On June 2, 2008, claimant was sent notice her Medical Assistance (MA) would end on June 30, 2008.

(4) On June 6, 2008, claimant submitted a request for hearing.

### 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).

The above facts are undisputed. Department policy provides the following guidance for case workers. The Department's policies are available on the internet through the Department's website.

### **PEM 135 GROUP 2 CARETAKER RELATIVES**

#### **DEPARTMENT POLICY**

##### **MA Only**

This is a FIP-related Group 2 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 is an L/H month and eligibility exists, go to [PEM 546](#) to determine the post-eligibility patient-pay amount.

#### **NONFINANCIAL ELIGIBILITY FACTORS**

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

- Except for temporary absences, the person lives with a dependent child. Use "[CARETAKER RELATIVE NONFINANCIAL TEMPORARY ABSENCE](#)" below. Dependent child is defined later in this item.

- The person is:
  - The parent of the dependent child; **or**
  - The specified relative (other than a parent) who acts as parent for the dependent child. Specified relative is defined later in this item. Acts as parent means provides physical care and/or supervision.
  
- The person is not participating in a strike; and, if the person lives with his spouse, the spouse is not participating in a strike. Use the FIP striker policy in [PEM 227](#).
  
- The **MA** eligibility factors in the following items must be met.
  - PEM 220, Residence.
  - PEM 221, Identity.
  - PEM 223, Social Security Numbers.
  - PEM 225, Citizenship/Alien Status.
  - PEM 255, Child Support.
  - PEM 256, Spousal/Parental Support.
  - PEM 257, Third Party Resource Liability.
  - PEM 265, Institutional Status.
  - PEM 270, Pursuit of Benefits.

When a dependent child lives with both parents, both parents may be caretaker relatives.

Occasionally, a specified relative (other than a parent) who claims to act as parent for the dependent child and the child's parent both live with the child. The client's statement regarding who acts as parent must be accepted. If both the parent and other specified relative claim to act as parent, assume the parent is the caretaker relative. When only the other specified relative claims to act as parent, both the other specified relative and the parent(s) may be caretaker relatives.

Except as explained in the two preceding paragraphs, a child can have only one caretaker relative. This means that if a person is an MA applicant or recipient based on being a caretaker relative, no other person can apply for or receive MA based on being a caretaker relative for the same dependent child.

### **DEPENDENT CHILD DEFINED**

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

- The child is born.
- The child meets the **FIP** eligibility factors in the following items:

- PEM 223, Social Security Numbers.
- PEM 225, Citizenship/Alien Status.
- PEM 227, Strikers.
- PEM 270, Pursuit of Benefits.
- The child is a resident using **MA** policy in PEM 220.
- The child meets the following age or age and school attendance requirement:
  - 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.
  - A MA recipient.
  - A MICHild recipient.

In accordance with the above policy, the undisputed facts of this case show that claimant was no longer eligible for Medical Assistance (MA) as a care taker relative.

#### DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides the Department of Human Services properly ended claimant's Medical Assistance (MA) benefits due to her no longer having a minor child in her household.

It is ORDERED that the actions of the Department of Human Services, in this matter, are UPHeld.

/s/ \_\_\_\_\_  
Gary F. Heisler  
Administrative Law Judge  
for Ismael Ahmed, Director  
Department of Human Services

Date Signed: May 18, 2009

Date Mailed: May 19, 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.

GFH [REDACTED]

cc:

[REDACTED]