

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: 2009-31748
Issue No: 1022; 3002
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
September 2, 2009
Montmorency 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 September 2, 2009. Claimant appeared and testified.

ISSUES

- (1) Did the Department of Human Services properly close Claimant's Medical Assistance (MA) case?
- (2) Did the Department of Human Services determine the proper amount of Claimant's Food Assistance Program (FAP) benefits?

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) and Food Assistance Program (FAP) benefits. Claimant's benefit group consisted of herself, her spouse, and their son. Claimant's son's birthday is [REDACTED]

- (2) On October 24, 2008, Claimant son turned 18 years old.
- (3) On May 19, 2009, Claimant's Food Assistance Program (FAP) benefits were reduced to \$352 because Claimant began receiving Unemployment Compensation Benefits (UCB). Claimant was sent notice of the change.
- (4) On July 21, 2009, Claimant's case was transferred from Oakland County to Montmorency County. The BRIDGES computer program automatically closed Claimant's Medical Assistance (MA) case because her son had turned 18. Claimant was sent notice of the change.
- (5) On July 28, 2009, Claimant submitted a request for hearing about her Medical Assistance (MA) and Food Assistance Program (FAP) benefits.
- (6) Claimant's son has not obtained a High School Diploma and began attending a High School completion program at [REDACTED] in September 2009. Claimant's son attends the program as a half time student.

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 Food Assistance Program (FAP) (formerly known as the Food Stamp (FS) program) is established by the Food Stamp Act of 1977, as amended, and is implemented by the federal regulations contained in Title 7 of the Code of Federal Regulations (CFR). The Department of Human Services (DHS or department) administers the FAP program pursuant to MCL 400.10,

et seq., and MAC R 400.3001-3015. Department policies are found in the Program Administrative Manual (PAM), the Program Eligibility Manual (PEM) and the Program Reference Manual (PRM).

With regard to Food Assistance Program (FAP) benefits, Claimant stated she was receiving Unemployment Compensation Benefits (UCB) so all the values used in the financial eligibility budget which reduced those benefits were correct. In this case, the Administrative Law Judge has reviewed the Food Assistance Program (FAP) budget and finds that the department properly computed the claimant's net income and expenses. The federal regulations at 7 CFR 273.10 provide standards for the amount of a household's benefits. The department in compliance with the federal regulations has prepared issuance tables which are set forth at Program Reference Manual, Table 260. The issuance table provides that a household with household size and net income of the claimant's is eligible for a Food Assistance Program (FAP) allotment of \$352.

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 this case, Claimant's son does not meet the criteria in Department of Human Services policy cited above to be a dependent child. He is not a full time student and he will not complete his High School Diploma program before his 19th birthday on October 24, 2009.

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 closed Claimant's Medical Assistance (MA) case. The Department of Human Services also determine the proper amount of Claimant's Food Assistance Program (FAP) benefits.

It is ORDERED that the actions of the Department of Human Services, in both these matters, are UPHELD.


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

Date Signed: October 14, 2009

Date Mailed: October 16, 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 60 days of the filing of the original request.

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 was made, within 30 days of the receipt date of the rehearing decision.

GFH 

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