

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: 2009-32817

Issue No: 2003

Case No: [REDACTED]

Load No: [REDACTED]

Hearing Date:

September 29, 2009

Kalamazoo County DHS

ADMINISTRATIVE LAW JUDGE: Carmen G. Fahie

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, an in-person hearing was held on Tuesday, September 29, 2009. The claimant personally appeared and testified with her grandmother, [REDACTED] as a witness.

ISSUE

Did the department properly determine that the claimant was not eligible for Medicaid (MA) under the Group 2 under 21 category?

FINDINGS OF FACT

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

(1) On June 18, 2009, a redetermination form was sent to the claimant to determine her continued eligibility for MA benefits. (Department Exhibit 4-7)

(2) On June 30, 2009, the department caseworker received the completed redetermination forms in her office. (Department Exhibit 4-7)

(3) On July 20, 2009, the department caseworker sent the claimant a notice that continued eligibility for MA was denied effective July 31, 2009 because the claimant no longer met the eligibility requirements because she turned 21 years of age on [REDACTED]. In addition, there was no evidence that the claimant was disabled. (Department Exhibit 8-10)

(4) On August 3, 2009, the department received a hearing request from the claimant, contesting 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).

The department manuals provide the following relevant policy statements and instructions for caseworkers:

MA GROUP COMPOSITION

DEPARTMENT POLICY

LIF

Group composition policy for Low-Income Families (LIF) is in PEM 110. Do not use the policy in this item to determine group composition for LIF. PEM, Item 211, p. 1.

Group 2 FIP-Related MA, Healthy Kids and SSI-Related MA

Use fiscal groups and, for SSI-related MA, Group 2 Persons Under Age 21 and Group 2 Caretaker Relative, asset groups to determine the financial eligibility of a person who requests MA and meets all the nonfinancial eligibility factors for an MA category.

Individual family members may be eligible under different MA categories. You must explore all categories for each person who requests MA. See “CHOICE OF CATEGORY” in PEM 105. PEM 211, p. 1.

DEFINITIONS

Group 2 FIP-Related MA, Healthy Kids and SSI-Related MA

“**Child**” means an unmarried person under age 18.

“**Adult**” means a person who is married or age 18 or older. PEM, Item 211, p. 1.

In the instant case, the claimant was a recipient of Group 2 under 21 Medicaid. The claimant was eligible for this program as long as she met the income and age requirement. On [REDACTED], the claimant turned 21 years of age, which made her ineligible for the Group 2 under 21 Medicaid. The department caseworker sent the claimant a notice on July 20, 2009 that she was no longer eligible for the Group 2 under 21 Medicaid. In addition, there was no evidence in the case indicating that the claimant was disabled.

Therefore, the Administrative Law Judge must find that the department has established that it was acting in compliance with department policy when the determination was made that the claimant was not eligible for Group 2 under 21 Medicaid because she turned 21 years of age on [REDACTED]

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the department correctly denied the claimant’s Group 2 under 21 Medicaid

benefits because the claimant turned 21 years of age on [REDACTED], which made her ineligible for those MA benefits.

Accordingly, the department's decision is **AFFIRMED**.

/s/ _____
Carmen G. Fahie
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: October 27, 2009

Date Mailed: October 27, 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.

CGF/vmc

cc:

[REDACTED]