

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: 2009-34679
Issue No: 2003; 1023
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
December 9, 2009
Kent 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 December 9, 2009.

ISSUE

Did the Department of Human Services (the department) properly cancel claimant's Family Independence Program (FIP) and Medical Assistance (MA) based upon its determination that claimant was no longer eligible to receive these benefits because her only child was removed from the home?

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 a Family Independence Program and Medical Assistance benefit recipient.

(2) On August 20, 2009, the caseworker was notified by the Child Protective Services worker that claimant's only child had been removed from claimant's care and was in a relative placement with claimant's mother.

(3) Based upon the information, claimant no longer meets the definition of a Caretaker Relative of a Dependent Child.

(4) Claimant no longer has a basis to receive Family Independence Program or Medical Assistance benefits.

(5) On August 20, 2009, the department caseworker sent claimant notice that her FIP and MA benefits would be cancelled effective September 1, 2009.

(6) On August 28, 2009, claimant filed a request for a hearing to contest the department's negative action.

(7) The Department of Human Services suspended the closure pending the outcome of the hearing.

CONCLUSIONS OF LAW

The Family Independence Program (FIP) was established pursuant to the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, Public Law 104-193, 8 USC 601, *et seq.* The Department of Human Services (DHS or department) administers the FIP program pursuant to MCL 400.10, *et seq.*, and MAC R 400.3101-3131. The FIP program replaced the Aid to Dependent Children (ADC) program effective October 1, 1996. Department policies are found in the Program Administrative Manual (PAM), the Program Eligibility Manual (PEM) and the Program Reference Manual (PRM).

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).

A Caretaker Relative is a person who meets the following requirements: the person lives with the dependent child and is the parent of the dependent child or a specified relative who acts as the parent for the dependent child. BEM, Item 135, p. 1. Receipt of Medical Assistance for an FIP- Related Group 2 MA Category requires that parents and other caretaker relatives may receive Medical Assistance benefits only when they meet the eligibility factors. All eligibility factors must be meant in the calendar month tested.

The Medicaid Program is comprised of several sub-programs. One category is FIP recipients. Another category is SSI recipients. To receive Medical Assistance under a SSI-related category a person must be age 65 or older, blind, disabled, entitled to Medicare, or formerly blind or disabled. Families with dependent children, caretaker relatives of dependent children, persons under 21 and pregnant or recently pregnant and pregnant women may receive Medical Assistance under FIP-related categories. BEM, Item 105, p. 1.

In the instant case, claimant no longer meets any Medical Assistance eligible category. In addition, claimant does not meet the FIP-related categories based upon the fact that her daughter is in relative placement and continues to be in relative placement even on the date of hearing. Therefore, claimant is not categorically eligible either for Family Independence Program (FIP) or

Medical Assistance (MA) benefits when her only minor child is in relative care. Accordingly, the department's decision must be upheld.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the department properly proposed to cancel claimant's Family Independence Program and Medical Assistance benefits based upon its determination that claimant was no longer categorically eligible to receive Family Independence Program benefits or Medical Assistance benefits based upon the fact that her only child was removed from claimant's care and was placed into relative placement. Claimant has no other basis to receive Medical Assistance benefits.

Accordingly, the department's decision is AFFIRMED.

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

Date Signed: January 4, 2010

Date Mailed: January 4, 2010

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.

2009-34679/LYL

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:

