

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: 2009-12903
Issue No: 1001/2015
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
March 12, 2009
Wayne County DHS

ADMINISTRATIVE LAW JUDGE: Marlene B. Magyar

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 March 12, 2009. Claimant personally appeared and testified.

ISSUE

Did the department properly close claimant's Family Independence Agency (FIP) benefit and FIP-related Medicaid (MA) cases due to changed circumstances at review?

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 and her daughter were ongoing FIP and FIP-related beneficiaries in September, 2008.

(2) In October, 2008, the department notified claimant she must appear for a mandatory case review to determine whether she and her daughter were eligible for benefit continuation.

(3) Claimant appeared for the mandatory interview and advised her ongoing caseworker her daughter was now 18 years of age and she had left the home to attend an out-of-state college two months earlier (8/08).

(4) The ongoing worker immediately coded claimant's FIP and FIP-related MA cases for closure and registered a disability-based MA/SDA application on her behalf.

(5) That application had not yet been approved or denied as of claimant's March 12, 2009 hearing because it was still being decided on by the doctors who make up the local Medical Review Team (MRT).

(6) Claimant argued at the hearing the department should keep her FIP-related MA case open until her disability-based MA starts.

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 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).

Eligible Group

The **eligible group** means those persons in the program group who meet all eligibility factors. **Exception:** Otherwise eligible persons who are serving an immunization penalty are included in the eligible group. PEM Item 210, pg 1.

Dependent Child

A **dependent child** is an unemancipated child who lives with a caretaker and is:

- . under age 18; **or**
- . age 18 or 19 and a full-time high school student expected to graduate before age 20.

The department properly determined claimant's household was no longer eligible for a monthly FIP grant because the youngest child turned 18 years old since claimant's last mandatory review was done. This child was no longer an unemancipated minor, and furthermore, she was no longer residing at home. Consequently, claimant's household was no longer eligible for a monthly FIP benefit and the department properly closed the case.

Likewise, claimant's FIP-related MA case was properly closed for the same reason, as she was no longer the caretaker relative of a resident minor. When claimant's ongoing caseworker learned of the changed circumstances, she properly registered and processed a disability-based MA/SDA application on claimant's behalf because claimant now alleges she is disabled and should qualify for medical assistance (MA) and a cash grant (SDA) on that basis, irrespective of her adult daughter. That application was still being processed as of claimant's

hearing date (3/12/09). If claimant disagrees with the decision the department makes on that application, she may file a hearing request to dispute the department's finding. However, with regard to the closure of claimant's FIP and FIP-related MA cases, the department's action was proper, and thus, it must be upheld.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides the department properly closed claimant's FIP and FIP-related cases due to changed circumstances at review.

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

/s/ _____
Marlene B. Magyar
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: _____

Date Mailed: _____

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 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.

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cc:

