

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: 2009-1437
Issue No: 1033, 2005
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
June 1, 2010
St. Clair County DHS

ADMINISTRATIVE LAW JUDGE: Ivona Rairigh

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 June 1, 2010. Claimant personally appeared and testified along with her mother [REDACTED].

ISSUE

Did the department correctly determine that the claimant was not eligible for Family Independence Program (FIP) and Medicaid (MA) benefits due to her citizenship/alien status?

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 had been a FIP recipient in July, 2008 when her case transferred from Macomb to St. Clair County DHS. A case review took place, at which time it was discovered that the claimant was not a U.S. citizen but a [REDACTED] one. (Department's Exhibit 4).

2. Department took action to remove the claimant from FIP and MA on August 26, 2008. Claimant requested a hearing on August 28, 2008 and continues to receive FIP and MA benefits 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 Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Program Reference Manual (RFT).

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 Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Program Reference Manual (RFT).

Departmental policy requires that a person either be a U.S. citizen or have an acceptable alien status in order to be eligible for FIP and full MA coverage. BEM 225. Hearing testimony by the claimant and her mother is that her mother, a U.S. citizen, went into Canada to give birth to her and then returned to U.S. within days. Claimant's mother further testified that she has filed a form with U.S. Immigration Service many years ago indicating that the claimant was born of U.S. citizens in Canada. This form cannot be located by the claimant or her mother. A copy of claimant's Canada birth certificate showing she was born in 1978 in Sarnia and that the

certificate was issued in 1980 has been provided for the hearing. Claimant has no other paperwork showing any type of acceptable alien status. Therefore, she is not eligible for FIP or full MA coverage in accordance with departmental policy.

Claimant stated she would visit the hospital she was born in and try and locate some paperwork there. Claimant was also advised to check with the local county office or with Department of Community Health for any record of her birth that was filed years ago by her mother (as she claims) upon her return to the U.S. following claimant's birth.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the department correctly determined that the claimant was not eligible for FIP and MA due to her citizenship/alien status.

Accordingly, department's action is AFFIRMED, and it is SO ORDERED.

/s/ _____
Ivona Rairigh
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: June 8, 2010

Date Mailed: June 8, 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.

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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.

IR/tg

cc:

