

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: 2009-2446
Issue No: 2003
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
July 1, 2009
Cass 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 July 1, 2009. Claimant personally appeared and testified.

ISSUE

Did the department properly close claimant's FIP-related Group 2 Medicaid (MA) case effective October 1, 2008?

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 is an adult mother of a now adult child (over 18 years of age).
- (2) On September 18, 2008, the department notified claimant in writing her ongoing MA case would be closed because her child was no longer a minor and the department's Medical

Review Team (MRT) had not made a determination regarding her disability status or the lack thereof (Department Exhibit #1, pgs 1-3).

(3) The department received claimant's hearing request on October 6, 2008, and her hearing was held on July 1, 2009.

(4) The department's witness testified claimant's medical records subsequently were sent to the Medical Review Team (MRT) for a substantive determination of her disability status between the time she filed her hearing request and the hearing date.

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 applicable departmental policy states:

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. PEM Item 135, pg 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.

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, pg 1.

A caretaker relative is a person who meets all of the following requirements:

- 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. PEM Item 135, pg 1.

Additionally under the department’s policy, a child is a dependent child (thus qualifying his adult/parent caretaker for MA) only if he/she is under age 18 or 18 years old and a full-time high school/vocational tech student who is expected to complete his/her educational training program before age 19. PEM Item 135, pgs 2 and 3.

The facts of record are clear and undisputed. Claimant’s child in residence at the time this negative departmental action was taken no longer met the definition of a dependent child, and thus, his parent (claimant) was no longer eligible for MA under that category. As such, no basis exists in fact or policy to reverse the department’s action.

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-related Group 2 MA case effective October 1, 2008.

Accordingly, the department's action is AFFIRMED.

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

Date Signed: July 2, 2009

Date Mailed: July 2, 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 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.

MBM/db

cc:

