

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.: 2009-30315
Issue No.: 2003
Case No.: [REDACTED]
Load No.: [REDACTED]
Hearing Date:
October 26, 2009
Oakland County DHS (2)

ADMINISTRATIVE LAW JUDGE: Colleen M. Mamelka

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37 upon the Claimant's request for hearing. After due notice, a hearing was conducted from Madison Heights, Michigan on October 26, 2009. The Claimant appeared and testified. [REDACTED] appeared on behalf of the Department.

ISSUE

Whether the Department properly terminated the Claimant's cash assistance ("FIP") and Medical Assistance coverage effective July 2009?

FINDINGS OF FACT

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

1. The Claimant was a FIP and MA ("LIF") recipient.
2. On April 24, 2009, the Department received a Verification of School Enrollment regarding the Claimant's child. (Exhibit 2)
3. The Claimant's son graduated from high school in June 2009. (Exhibit 2)

4. On May 28, 2009, the Department sent the Claimant a Notice of Case Action stating that the Claimant's FIP and LIF benefits would cancel effective July 2009. (Exhibits 1, 3)
5. On June 8, 2009, the Department received the Claimant's timely written request for hearing. (Exhibit 1)

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 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 Bridges Policy Glossary ("BPG").

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, formally known as the Family Independence Agency, administers the MA program pursuant to MCL 400.10, *et seq* and MCL 400.105. Department policies are found in the BAM, BEM, and BPG.

The goal of the Medicaid program is to ensure that essential health care services are made available to those who otherwise could not afford them. BEM 105 Medicaid is also known as Medical Assistance ("MA"). *Id.* The Medicaid program is comprised of several categories; one category is for FIP recipients while another is for SSI recipients. *Id.* Programs for individuals not receiving FIP or SSI are based on eligibility factors in either the FIP or SSI program thus are categorized as either FIP-related or SSI-related. *Id.* To receive MA under an SSI-related

category, the person must be aged (65 or older), blind, disabled, entitled to Medicare or formally blind or disabled. *Id.* Families with dependent children, caretaker relatives of dependent children, persons under age 21 and pregnant, or recently pregnant women, receive MA under FIP-related categories. *Id.*

To be eligible for FIP, a child must live with a legal parent, stepparent, or other qualifying caretaker. PEM 210 Medicaid is available to families that meet the non-financial and financial eligibility requirements. BEM 110 FIP recipients are automatically eligible for MA under the Low-Income Family MA (“LIF”). *Id.* In order to be eligible, a child age 18 or 19 must be a full-time student in high school and be expected to graduate before reaching age 20. *Id.*

In this case, the Claimant received FIP and FIP-related MA benefits due to having a dependent child who attended high school on a full-time basis. In April of 2009, the Department received verification that the Claimant’s son was graduating from high school in June. As a result, the Claimant was no longer eligible for FIP and FIP-related MA benefits. The Department sent the Claimant timely notification regarding the termination of benefits effective July 2009. The Claimant was upset that he received notice prior to his son’s graduation and about that fact he was unaware that he could apply for disability related MA coverage. The Claimant filed a timely appeal thus continued to receive FIP and MA coverage. Ultimately, under these facts, the Department established it acted in accordance with Department policy when it terminated the Claimant’s benefits after the son graduated from high school. Accordingly, the Department’s determination is AFFIRMED.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds the Department acted in accordance with department policy when it terminated the Claimant's FIP and Medicaid coverage.

Accordingly, it is ORDERED:

The Department's determinations are AFFIRMED.

Colleen M. Mamelka

Colleen M. Mamelka
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: 11/05/09

Date Mailed: 11/05/09

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.

CMM/jlg

cc:

