

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: 2009-32753

Issue No: 2003

Case No: [REDACTED]

Load No: [REDACTED]

Hearing Date:

November 25, 2009

Wayne 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 November 25, 2009. Claimant personally appeared and testified.

ISSUE

Did the Department of Human Services (the department) properly deny claimant's application for Medical Assistance (MA-P) and State Disability Assistance (SDA)?

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 his wife were Medical Assistance benefit recipients based upon them being caretaker relatives for a dependent child.

(2) Claimant submitted an application for a medical review for himself and his spouse.

(3) Based upon the application information, claimant no longer meets the definition of a caretaker relative of a dependent child.

(4) Claimant and his spouse have no longer other basis to receive Medical Assistance.

(5) Closure of claimant's Medicaid case was initiated on July 9, 2009.

(5) On July 9, 2009, the department caseworker sent claimant notice that his Medical Assistance benefits would be cancelled effective July 21, 2009 because he no longer had a minor child in the home.

(6) On July 14, 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 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).

Medical Assistance is a FIP-Related Group II MA category. Medical Assistance is available to parents and other caretaker relatives who meet the eligibility factors. All eligibility factors must be met in the calendar month being tested.

A caretaker relative is a person who meets the following requirements: The person lives with the dependent child and is the parent of a dependent child with a specified relative who acts as the parent for the dependent child. BEM, Item 135, p. 1.

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 the 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 age 21 and pregnant or recently pregnant, and pregnant women receive MA under FIP-related categories. BEM, Item 105, p. 1.

In the instant case, claimant and his wife do not meet any Medicaid eligible category. Therefore, they cannot continue to receive Medical Assistance benefits once their youngest child has reached the age of 18. 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 Medical Assistance benefits based upon its determination that claimant was no longer categorically eligible to receive Medical Assistance benefits because his youngest child has reached the age of 18 and neither claimant or his spouse any longer met the definition of caretaker relatives with a dependent child. Claimant and his spouse have 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: December 9, 2009

Date Mailed: December 9, 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 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:

[REDACTED]