

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: 2010-10208

Issue No: 2015

Case No:

[REDACTED]

Load No:

Hearing Date:

March 18, 2010

Muskegon 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 18, 2010. Claimant personally appeared and testified.

ISSUE

Did the department properly determine claimant's Caretaker-Relative Medicaid (MA) case must be closed effective November 1, 2009?

FINDINGS OF FACT

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

(1) According to claimant's hearing testimony, the department eventually approved Caretaker-Relative MA for her through October 2009, after she filed a hearing request (dated 9/22/09).

(2) Claimant's request was in response to a negative action notice the department mailed to her on September 19, 2009.

(3) The department's notice informed claimant she would no longer be eligible for Caretaker-Relative MA beginning November 1, 2009.

(4) Claimant's hearing was held on March 18, 2010.

(5) Claimant stipulated on the record her daughter turned 18 years old on October 21, 2009.

(6) Because claimant's daughter was no longer under age 18, claimant was no longer qualified for Caretaker-Relative MA, according to the department's policy in BEM Item 135.

(7) Claimant stated at the hearing she understood the Caretaker-Relative MA policy, which is why she filed a disability-based MA application after her Caretaker-Relative MA case closed.

(8) The department's denial of that application remains on appeal with no hearing date scheduled, according to the department's testimony on March 18, 2010.

(9) Claimant agreed she has not received a Notice of Hearing pertaining that secondary disability issue.

#### 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).

Caretaker Relative MA is available to parents who meet the eligibility factors in all calendar months being tested. Under these program rules, a child is a dependent child only if he/she is under age 18, or if he/she is age 18 and a full-time student in high school or in an equivalent level of vocational/technical training. In addition, that individual must be expected to complete his/her educational training before age 19. BEM Item 135, pgs 2 and 3. As of claimant's daughter's birthday, she no longer had a child to which ongoing MA eligibility for herself could attach. As such, the department had no alternative but to close that case.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides the department properly determined claimant's Caretaker-Relative MA case must be closed effective November 1, 2009.

Accordingly, the department's action is AFFIRMED.

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

Date Signed: March 23, 2010

Date Mailed: March 24, 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.

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.

2010-10208/mbm

MBM/db

cc:

