

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: 202012461

Issue No: 2015, 5000

Case No:

Load No:

Hearing Date:

January 11, 2010

Macomb County DHS

ADMINISTRATIVE LAW JUDGE: Jeanne M. VanderHeide

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 telephone hearing was conducted from Detroit, Michigan on January 11, 2010. The Claimant appeared and testified along with his wife, [REDACTED]. Cheryl Howell, AP Supervisor, appeared on behalf of the Department.

ISSUE

Whether the Department properly terminated the Claimant's Medical Assistance Program ("MA-P") through Healthy Kids?

Whether the Department properly denied Claimant State Emergency Relief ("SER") benefits?

FINDINGS OF FACT

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

1. Claimant was a MA-P recipient through Caretaker Relative of a Minor Child while his son was a minor in the household.
2. Claimant's son turned 18 on [REDACTED] and Claimant's MA-P benefits were scheduled to be terminated.
3. Claimant filed a timely hearing delaying the termination of benefits. No hearing was ever scheduled yet the benefits were stopped effective 11/30/09.
4. The Department indicated that it was unclear why Bridges had terminated Claimant's MA-P benefits.
5. Claimant has since applied for disability-based MA-P benefits. The application is currently pending a review from MRT.
6. Claimant testified that he was awarded SER benefits in 2008 and exhausted the yearly SER limit.
7. Claimant testified that he did not have any further need for SER benefits prior to filing a new application on December 7, 2009.
8. Claimant requested a hearing on November 2, 2009 contesting the department's determination regarding MA-P and SER benefits.

CONCLUSIONS OF LAW

The State Emergency Relief (SER) program is established by 2004 PA 344. The SER program is administered pursuant to MCL 400.10, *et seq.*, and by final administrative rules filed with the Secretary of State on October 28, 1993. MAC R 400.7001-400.7049. Department of Human Services (formerly known as the Family Independence Agency) policies are found in the State Emergency Relief Manual (SER).

A. SER

In the present case, the Claimant admitted that there was no need and, therefore, no application for SER benefits prior to a SER application being filed on 12/7/09. As the current hearing was filed on November 2, 2009, there is no SER issue properly before the undersigned. Accordingly, the SER case is dismissed.

B. MA-P

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 Program Administrative Manual (“PAM”)/Bridges Administrative Manual (“BAM”), the Program Eligibility Manual (“PEM”)/Bridges Eligibility Manual (“BEM”), and the Program Reference Manual (“PRM”).

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/PEM 105, p. 1. 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.*

There are various SSI related categories under which one can qualify for MA benefits. BEM/PEM 150-174. The MA regulations also divide MA recipients into Group 1 and Group 2 which relate to financial eligibility factors. Financial eligibility for Group 1 exists when countable income minus allowable expenses equals or is below certain income limits. PEM 105, p. 1. The income limits vary by category and are for non-medical needs such as food and shelter. *Id.* Medical expenses are not used when determining eligibility for FIP and SSI related Group 1 categories. *Id.* For Group 2, eligibility is possible even when net income exceeds the income limit. This is because incurred medical expenses are used when determining eligibility for FIP-related and SSI-related Group 2 categories. *Id.*

An individual can receive MA-P benefits if he is a caretaker relative of a child under the age 18, or a child who is 18 and still completing high school and who is still living in the home. BEM 135, pp. 1-3.

Clients have the right to contest a department decision affecting eligibility or benefit levels whenever they believe the decision is incorrect. The department provides an administrative hearing to review the decision and determine its appropriateness. BAM 600, p. 1. If a client files a hearing request within 11 days of the negative action, recipients must continue to receive the assistance authorized prior to the notice of negative action when the request was filed timely while waiting for a decision. BAM 600, p. 17.

In the present case, Claimant no longer has a minor child in his household. Therefore, he would no longer qualify for MA-P for Healthy Kids. The Department is also required to determine if Claimant is entitled to Medical assistance under any other programs. Claimant is over the income limit of \$413 for MA-P benefits under Low Income Family (“LIF”) MA. So, Claimant’s only other option is to pursue MA-P disability benefits which he has done.

Claimant's disability based MA-P application is still pending. Furthermore, the Department did not dispute that Claimant filed a timely hearing request regarding termination of the FIP based MA-P benefits. Nor could the Department determine why the MA-P benefits were terminated effective 11/30/09.

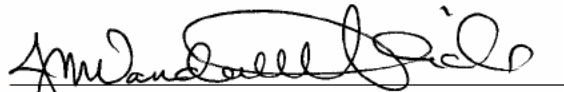
Accordingly, the Administrative Law Judge finds that the Department's decision to terminate the FIP based MA-P benefits is AFFIRMED. However, the decision to terminate Claimant's benefits effective 11/30/09 before this hearing decision was received is REVERSED. Claimant shall continue to receive MA-P benefits through the date that the Opinion is mailed out.

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 based MA benefits. However, the Department should not have terminated the MA-P benefits prior to this hearing decision being received by the Claimant.

Accordingly, it is ORDERED:

1. The Department's MA-P denial determination is AFFIRMED, in part.
2. The Department shall keep Claimant's MA-P benefits effective until receipt of this Order.



Jeanne M. VanderHeide
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: 01/19/10

Date Mailed: 01/20/10

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.

JV/dj

cc:

