

STATE OF MICHIGAN
STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES
ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF:

[REDACTED]

Reg. No: 201014548

Issue No: 2015

Case No: [REDACTED]

Load No: [REDACTED]

Hearing Date:

May 12, 2010

Wayne County DHS

ADMINISTRATIVE LAW JUDGE: Robert J. Chavez

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 hearing was held on May 12, 2010.

ISSUE

Was the claimant's Medicaid coverage properly terminated when claimant's only child turned 18?

Did the Department properly terminate claimant's FIP grant when claimant's only child turned 18?

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 was a Medicaid and FIP recipient in Wayne County.
- (2) Claimant was a recipient of LIF Medicaid.
- (3) Claimant's only child turned 18 years old in [REDACTED].

- (4) Claimant's only child was attending college full-time, though living at home.
- (5) In December 2009, claimant's LIF Medicaid was terminated because claimant no longer met eligibility requirements for LIF Medicaid.
- (6) Claimant was evaluated for all other Medicaid programs.
- (7) Claimant was not found to be eligible for any other Medicaid programs.
- (8) Claimant's FIP grant was terminated on November 9, 2009 because claimant was no longer the caretaker for a child under the age of 18.
- (9) On November 9, 2009, claimant requested a hearing alleging that her Medicaid and FIP grant should not have been terminated.
- (10) Claimant also alleged a problem with her FAP grant; however, the Department conceded, at hearing, that there was a problem with the FAP grant and offered to correct that problem, and claimant accepted that offer.

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 Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Bridges Reference Manual (BRM) and Reference Tables (RFT).

Persons may qualify under more than one MA category. Federal law gives them the right to the most beneficial category. The most beneficial category is the one that results in eligibility or the least amount of excess income. The Department must

consider all the MA category options in order for the client's right of choice to be meaningful. Eligibility under all categories must be considered when eligibility ceases in one category. BEM 105.

Claimant's LIF Medicaid eligibility was terminated when claimant's only child turned 18, thus rendering her ineligible for LIF Medicaid. While eligibility can sometimes continue, under very particular circumstances, for LIF Medicaid when a child turns 18, claimant did not meet any of those particular circumstances.

The Department testified credibly at hearing that claimant was evaluated for all other Medicaid categories before her Medicaid was terminated. Claimant was evaluated for disability based Medicaid, but not considered eligible, because there was no indication on any of claimant's applications or redeterminations that claimant was disabled.

After a review of all Medicaid eligibility guidelines and programs, the Administrative Law Judge must reluctantly agree with the Department's determination that claimant is indeed ineligible for any Medicaid program. Claimant was unable to present, at hearing, any evidence which showed continued Medicaid eligibility or point to a specific eligibility category. While claimant alleged some medical problems, the undersigned notes that claimant has not formally put forth a claim that these medical problems rise to the level of a significant disability, and therefore, the Department was correct when it made the determination that claimant was not eligible for disability based Medicaid.

Therefore, the undersigned can find no error with the Department's action in the current situation. The decision to terminate claimant's Medicaid eligibility was correct.

With regard to claimant's continued FIP eligibility, age is an eligibility factor for the FIP program. A FIP program group must contain a child under the age of 18, or a high school student age 18-19 with the expectation to graduate before the age of 20. BEM 210, 240. Claimant's only child is over the age of 18, and, though living at home, is currently attending college and not high school. Therefore, the claimant is no longer eligible for the FIP program, and the Department was correct when it terminated claimant's FIP grant.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that the Department was correct when it terminated claimant's Medicaid and FIP coverage.

Accordingly, the Department's decision in the above stated matter is, hereby, AFFIRMED.

The Department is ORDERED to correct any issue with claimant's FAP grant, as agreed to at the hearing.



Robert J. Chavez
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: 08/23/10

Date Mailed: 08/24/10

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.

RJC/dj

cc:

