

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. 2010-19431

Issue No. 2018

Case No. [REDACTED]

Load No. [REDACTED]

Hearing Date:

June 21, 2010

Wayne County DHS

ADMINISTRATIVE LAW JUDGE: Lynn M. Ferris

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9; MSA 16.409 and MCL 400.37; MSA 16.437 upon the Claimant's request for a hearing. After due notice a telephone hearing was held on June 21, 2010 from Detroit Michigan. The Claimant appeared and testified on her own behalf. Jacqueline Hunter, AP Lead Worker and Linda Sorrell, FIM appeared for the Department.

ISSUE

Whether the Department properly closed the Claimant's Medical Assistance case as of December 31, 2009 due to her daughter turning 18 years of age and no longer attending school full time.

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 recipient of Medical Assistance under the Departments Group 2 Caretaker –Relative Program.

2. Pursuant to a redetermination conducted December 7, 2009 and an update of the Claimant's FAP budget, it was determined that the Claimant's daughter had turned 18 years of age and no longer attended school on a full time basis.
3. As a result of the redetermination, the Claimant's caseworker closed the Medical Assistance case for the Claimant effective December 31, 2009.
4. The Department sent a Notice of Case Action to the Claimant on December 9, 2009 and closed the Claimant's Medical Assistance Benefits effective December 31, 2009. Exhibit 1
5. The Department sent the Claimant a second Notice of Case Action on December 22, 2010, which was generated when the Claimant's FAP was updated. The second Notice of Case Action advised that her medical coverage would end on January 30, 2010. Exhibit 2
6. The Claimant met with her caseworker and a supervisor on December 22, 2009 and was given a copy of the policy and advised that her Medical Assistance case would close effective December 31, 2009 per the original Notice of Case Action.
7. The Claimant requested a hearing on January 20, 2010 protesting the closure of her medical benefits prior to January 31, 2010.

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 (formerly 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 Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Program Reference Manual (PRM).

The applicable policy which applies to this issue is found in BEM 135 at pages 5 and 6. In order to be eligible for Medical Assistance as a Group 2 Caretaker – Relative, the child must be under 18 years of age, or 18 years of age and a full time student in a high school or the equivalent level of vocational or technical training. The child must complete his educational or training program before the age of 19.

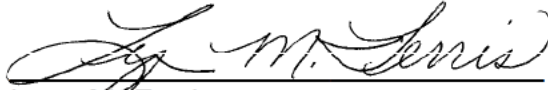
In this case, the Claimant's child had reached the age of 18 and graduated from high school and was no longer attending school; thus, the closure of the Claimant's Medical Assistance was required pursuant to Department Policy BEM 135 as referenced above. Unfortunately, the Department was required to close the medical assistance case; notwithstanding, the claimant obviously is in need of medical assistance and requires surgery. Unfortunately, there is no basis to extend medical coverage based on current Policy beyond December 31, 2009. The Second Notice of Case Action was incorrect and was issued because the Claimant's FAP benefits had changed. Erroneously, a second notice of case action was sent as the case was already pending to close based on the first Notice of Case Action sent December 9, 2010.

The undersigned finds that the Department's decision to close the claimant's Medical Assistance effective December 31, 2009 was correct.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds the Department's decision to close the Claimant's Medical Assistance case effective December 31, 2009 was correct and in accordance with Policy.

Accordingly, the Department's decision is AFFIRMED.



Lynn M. Ferris
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: 07/07/10

Date Mailed: 07/08/10

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.

LMF/dj

cc:

