

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. 201024143
Issue No. 1031
Case No. [REDACTED]
Load No. [REDACTED]
Hearing Date: July 15, 2010
Iosco 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 the claimant's request for a hearing. After due notice, a telephone hearing was held on July 15, 2010. The claimant appeared and testified.

ISSUE

Did the department of Human Services (the department) properly cancel claimant's Medical Assistance (MA) because claimant was no longer considered a caretaker of a dependent child and didn't meet the policy requirements for any other Family Independence Program or Medical Assistance programs?

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 receiving Medical Assistance benefits based upon his receipt of \$ [REDACTED] in Family Independence Program (FIP) benefits.
- (2) The claimant's son graduated from high school in June 2009, and had already turned 18.
- (3) The department caseworker determined that claimant was no longer eligible to receive the Family Independence Program because his child was 18 and proposed to cancel claimant's Family Independence Program and Medical Assistance benefits.

- (4) On December 3, 2009, the department caseworker sent claimant notice that his Medical Assistance and Family Independence Program benefits were to be cancelled effective January 1, 2010.
- (5) On December 21, 2009, claimant filed a request for a hearing to contest the department's negative action.

CONCLUSIONS OF LAW

The Family Independence Program (FIP) was established pursuant to the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, Public Law 104-193, 8 USC 601, *et seq.* The Department of Human Services (formerly known as the Family Independence Agency) administers the FIP program pursuant to MCL 400.10, *et seq.*, and MAC R400.3101-3131. The FIP program replaced the Aid to Dependent Children (ADC) program effective October 1, 1996. Department policies are found in the Program Administrative Manual (PAM), the Program Eligibility Manual (PEM) and the Program Reference Manual (PRM).

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 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 all of the following requirements: except for temporary absences the person lives with a dependent child and the person is the parent of the dependent child with a specified relative other than the parent who acts a parent for the dependent child. BEM, Item 135, p. 1.

A child is a dependent child when he meets all of the following conditions: the child is born. The child meets the family independence program eligibility factors. The child is a resident using Medical Assistance policy and BEM 220, and the child must be under age 18 or must be age 18 and a full time student in a high school or in the equivalent level of vocational or technical training as defined in the Family Independence Program policy in BEM, Item 245. He must be expected to complete his education or training program before age 19 and the child is a Family Independence Program recipient. BEM, Item 135, p. 3.

In the instant case, the claimant's son graduated from high school in June 2009, and at that time the claimant was no longer eligible to receive Family Independence Program

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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.

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