

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: 2010-30058
Issue No: 2001; 2024
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
May 11, 2010
Muskegon County DHS

ADMINISTRATIVE LAW JUDGE: Jay W. Sexton

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 May 11, 2010, in Muskegon. Claimant personally appeared and testified under oath.

The department was represented by Donata Clanton (FIM).

The Administrative Law Judge appeared by telephone from Lansing.

ISSUE

Did the department correctly close claimant's MA-Caretaker Relative case because claimant's son is no longer in the home?

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 is a former caretaker relative recipient.

(2) On January 5, 2010, claimant notified her caseworker that her minor son [REDACTED].) left the home on December 20, 2009.

(3) The caseworker notified the Bridges system that claimant's son had left the home. Bridges closed claimant's MA case on January 25, 2010.

(4) Bridges mailed a Negative Action Notice to claimant on January 14, 2010.

(5) On January 21, 2010, prior to the closure, claimant filed a timely hearing request.

(6) The caseworker attempted to pend the negative action, based on the timely hearing request filed by claimant, but was unable to do so on Bridges.

(7) Claimant was denied ongoing medical coverage during the pendency of the hearing, contrary to department policy.

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).

The department provides Medicaid to adults who are caring for minor children in their homes. This program is called the Family Medicaid program. Claimant was eligible for Family Medicaid in Muskegon County because her minor son was living with her. However, when claimant notified her caseworker that her minor son had left the home, Bridges closed claimant's Medical Assistance. The closure was based on PEM 105, 163, 211, 260 and 261. Also, the closure was also based on PAM 105-220.

There is no evidence in the record that the department's closure of the claimant's Family Medicaid case was done in arbitrary or capricious manner. The closure was premature, but required by policy.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the department correctly closed claimant's Family Medicaid because her minor son is no longer in the home.

Therefore, the action taken by the department is, hereby, **AFFIRMED**.

SO ORDERED.

/s/
Jay W. Sexton
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: June 11, 2010

Date Mailed: June 14, 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.

JWS/tg

2010-30058/JWS

cc:

