

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

IN THE MATTER OF THE CLAIM OF:

[REDACTED]

Reg. No.: 2010-30113
Issue No.: 2018
Case No.: [REDACTED]
Load No.: [REDACTED]
Hearing Date: October 4, 2010
Wayne County DHS (43)

ADMINISTRATIVE LAW JUDGE: Michael J. Bennane

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 October 4, 2010. The claimant appeared and testified.

ISSUE

Did the Department properly close the Claimant's MA?

FINDINGS OF FACT

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

1. On January 7, 2010, the department notified the claimant that her MA would close on February 1, 2010, because the minor child member of the FIP group turned 19 and there were no other minor children in the group.
2. On January 15, 2010, the claimant filed a request for hearing.

CONCLUSIONS OF LAW

The Medical Assistance (MA) program is established by the 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).

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Here, the Department found the claimant had become ineligible for MA because her son turned 19 and was no longer attending high school.

FIP Ineligibles

Families no longer eligible for FIP might continue eligible for MA-only under LIF. Consider LIF first, then consider other categories...

A child has been excluded from the FIP program group because the child is emancipated, but the child lives with the group and is:

Under age 18, or
Age 18 or 19 and a full-time high school student who is expected to graduate before age 20. (PEM 110, p.2).

The claimant questions why she was not afforded the opportunity to receive transitional MA.

INITIAL TMA ELIGIBILITY

LIF must be transferred to TMA when **all** of the requirements in 1-3 below are met.

At least one LIF qualified group member was eligible for and received Michigan FIP (not EFIP) and/or LIF for three of the six calendar months immediately preceding the month of FIP/LIF ineligibility.

Per BEM 518, FIP eligible groups with deficits of \$1 through \$9 are considered FIP recipients.

If LIF is approved for a month prior to FIP eligibility (examples: application month, retro MA month), that month counts. /LIF ineligibility resulted from **only** excess income. (BEM 111, p. 1)

This ALJ sympathizes with the claimant but the policy clearly makes transitional MA unavailable to this claimant and makes her ineligible for LIF MA.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, AFFIRMS the department's actions in the instant case.



Michael J. Bennane
Administrative Law Judge
For Ismael Ahmed, Director
Department of Human Services

Date Signed: 10/13/2010

Date Mailed: 10/13/2010

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 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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