

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

IN THE MATTER OF:



Reg No. 201032041  
Issue No. 2015  
Case No. [REDACTED]  
Load No. [REDACTED]  
Hearing Date: July 20, 2010  
Saginaw County DHS

**ADMINISTRATIVE LAW JUDGE:** Carmen G. Fahie

**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, an in-person hearing was held on Tuesday, July 20, 2010. The claimant personally appeared and testified on her own behalf.

**ISSUE**

Did the department properly determine that the claimant was no longer eligible for Group 2 Medical Assistance (MA) Caretaker Relative Category because she no longer had an eligible child in the home?

**FINDINGS OF FACT**

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

1. The claimant was a recipient of MA as a caretaker relative because she had an eligible child in the home.
2. The claimant's only eligible child turned 18 on [REDACTED] and is no longer in the home, which resulted in the claimant's case being pended to close on June 29, 2009.
3. On June 29, 2009, the department caseworker sent the claimant a notice that she was no longer eligible for Group 2 Caretaker Relative MA because her only eligible child had turned 18 and was no longer living in the home effective July 10, 2009.

4. On July 9, 2009, the department received a hearing request from the claimant, contesting the department's negative action.
5. During the hearing, the department caseworker stated that the claimant's February 27, 2009 redetermination application stated that the claimant did not list her daughter and also stated that she was not disabled.
6. During the hearing, the department caseworker stated that on June 29, 2009, the claimant called and reported that her daughter had turned 18 and was no longer living in the home.
7. During the hearing, the claimant admitted that her daughter was over 18 and was no longer in the home since August 2008. The claimant's daughter had graduated from high school in [REDACTED].

### **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).

The department's program eligibility manuals provide the following relevant policy statements and instructions for caseworkers:

#### **MA GROUP COMPOSITION**

#### **DEPARTMENT POLICY**

#### **LIF**

Group composition policy for Low-Income Families (LIF) is in PEM 110. Do not use the policy in this item to determine group composition for LIF. PEM, Item 211, p. 1.

Group 2 FIP-Related MA, Healthy Kids and SSI-Related MA

Use fiscal groups and, for SSI-related MA, Group 2 Persons Under Age 21 and Group 2 Caretaker Relative, asset groups to determine the financial eligibility of a person who requests MA and meets all the nonfinancial eligibility factors for an MA category.

Individual family members may be eligible under different MA categories. You must explore all categories for each person who requests MA. See “CHOICE OF CATEGORY” in PEM 105. PEM 211, p. 1.

## **DEFINITIONS**

Group 2 FIP-Related MA, Healthy Kids and SSI-Related MA

**“Child”** means an unmarried person under age 18.

**“Adult”** means a person who is married or age 18 or older. PEM, Item 211, p. 1.

## **RELATIONSHIPS**

The relationship(s) of the people who live together affects whether they must be included or excluded from the group. First determine if they **must** be included in the group. If they are **not** mandatory group members, then determine if they purchase and prepare food together or separately. PEM, Item 212, p. 1.

### **Parents and Children**

Children include natural, step and adopted children.

Parents and their children **under 22 years of age** who live together **must** be in the same group regardless of whether the child has his/her own spouse or child who lives with the group. PEM, Item 212, p. 1.

## **LIVING WITH**

Living with means sharing a home where family members usually sleep and share **any** common living quarters such as a kitchen, bathroom, bedroom or living room. Persons who share **only** an access area (e.g., entrance or hallway) or non-living area (e.g., laundry) are **not** considered living together.

See PEM 617 for policy regarding persons in other group living situations. PEM, Item 212, p. 2.

### **Temporary Absence**

A person who is temporarily absent from the group is considered living with the group.

A person's absence is temporary if:

- . his location is known; **and**
- . he lived with the group before his absence (newborns are considered to have lived with the group); **and**
- . there is a definite plan for his return; **and**
- . the absence has lasted or is expected to last 30 days or less.

**Exception 1:** The absence may last longer than 30 days if the absent person is in a hospital and there is a plan for him to return to the home. PEM, Item 212, p. 2.

### **Refusal to Cooperate Penalties**

#### **All Programs**

Clients who are able but refuse to provide necessary information or take a required action are subject to penalties. PAM, Item 105, p. 5.

### **Responsibility to Report Changes**

#### **All Programs**

This section applies to all groups **except** most FAP groups with earnings.

Clients must report changes in circumstances that potentially affect eligibility or benefit amount. Changes must be reported **within 10 days**:

- . after the client is aware of them, or
- . the start date of employment. PAM, Item 105, p. 7.

See PAM 220 for processing reported changes.

Other reporting requirements include, but are **not** limited to, changes in:

- . Persons in the home
- . Marital status
- . Address and shelter cost changes that result from the move
- . Vehicles
- . Assets
- . Child support expenses paid
- . Health or hospital coverage and premiums
- . Day care needs or providers. PAM, Item 105, pp. 7-8.

#### **DEPENDENT CHILD DEFINED**

A child is a dependent child when he meets all of the following conditions:

- The child is born.
- The child meets the **FIP** eligibility factors in the following items:
  - BEM 223, Social Security Numbers.
  - BEM 225, Citizenship/Alien Status.
  - BEM 227, Strikers.
  - BEM 270, Pursuit of Benefits.
- The child is a resident using **MA** policy in BEM 220.
- The child meets the following age or age and school attendance requirement:
  - He must be under age 18; **or**
  - He 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 FIP policy in BEM 245. He must be expected to complete his educational or training program before age 19.

- The child is:
  - A FIP recipient.
  - A SSI recipient.
  - A MA applicant.
  - Active MA deductible.
  - A MA recipient.
  - A MICHild recipient.

BEM 135, Pgs 2 and 3.

In the instant case, the claimant was a recipient of MA benefits in the Caretaker Relative Category because she had an eligible child that was under the age of 18 and living in the home. On [REDACTED], the claimant's only eligible child turned 18 and was no longer living in the home, which resulted in the claimant no longer being eligible for Group 2 Caretaker Relative MA Category. On June 29, 2009, the department caseworker removed the claimant's daughter from her case and closed the claimant's Group 2 MA Caretaker Relative Category and sent the claimant a notice that effective July 10, 2009 that her MA case would be closed.

Therefore, the department has established that it was acting in compliance with department policy by determining that the claimant was no longer eligible for Group 2 MA Caretaker Relative benefits because she no longer had an eligible child in the home.

### **DECISION AND ORDER**

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the department appropriately closed the claimant's MA case for Group 2 MA Caretaker Relative Category because the claimant no longer had an eligible child in the home.

Accordingly, the department's decision is **AFFIRMED**.

/s/ \_\_\_\_\_  
Carmen G. Fahie  
Administrative Law Judge  
For Ismael Ahmed, Director  
Department of Human Services

Date Signed: August 30, 2010

Date Mailed: August 30, 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.

CGF/vc

cc:

