

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.: 2010-44388
Issue No.: 1022/2015
Case No.: [REDACTED]
Load No.: [REDACTED]
Hearing Date: December 9, 2010
Wayne County DHS (43)

ADMINISTRATIVE LAW JUDGE: Christian Gardocki

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 December 9, 2010. The claimant appeared and testified; [REDACTED] also appeared and testified on behalf of Claimant. On behalf of Department of Human Services (DHS), [REDACTED], Specialist, appeared and testified.

ISSUES

1. Whether DHS properly terminated Claimant's Family Independence Program (FIP) benefits based on Claimant's failure to meet the group composition requirements for FIP benefits.
2. Whether DHS properly terminated Claimant's ongoing Medicaid through the Medical Assistance (MA) program based on Claimant's failure to meet FIP-related MA requirements.

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 an ongoing FIP benefit recipient and MA recipient receiving ongoing Medicaid.
2. Claimant lived in a household consisting of Claimant and her daughter, [REDACTED] (DOB 6/22/90).

3. As of 6/2010, [REDACTED] was a student at [REDACTED] taking courses to achieve high school graduation.
4. On 5/24/10, DHS received correspondence (Exhibit 1) from [REDACTED] school that [REDACTED] would be eligible to receive her high school diploma in 8/2010, a date following [REDACTED] 20th birthday.
5. On 5/25/10, DHS mailed Claimant a Notice of Case Action informing Claimant that her MA and FIP benefits would be terminated beginning 7/2010.
6. On 6/24/10, Claimant requested a hearing disputing the termination of MA and FIP benefits.

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 R 400.3101-3131. The FIP program replaced the Aid to Dependent Children (ADC) program effective October 1, 1996. Department policies are found in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Reference Tables Manual (RFT).

To be eligible for FIP benefits, a dependent child must live with a legal parent, stepparent or other qualifying caretaker. BEM 210 at 1. A dependent child is an unemancipated child who lives with a caretaker and is either:

- under age 18;
- or age 18 or 19 and a full-time high school student expected to graduate before age 20. *Id.*

Claimant did not dispute any of the underlying facts. Claimant only lives with her child, [REDACTED]. Until DHS received notice from [REDACTED] school on 5/24/10, DHS believed that [REDACTED] would complete high school by age 20. After DHS confirmed on 5/24/10 that [REDACTED] would not graduate high school until after her 20th birthday DHS properly determined that Claimant and [REDACTED] failed to meet the group composition requirements for FIP benefits. Even disregarding the letter from [REDACTED] school, she turned 20 in 6/2010 and could not possibly meet the "dependent child" definition for FIP benefits following her 20th birthday. Accordingly, it is found that DHS properly terminated Claimant's eligibility for FIP benefits as Claimant had no dependent child that met the FIP group composition requirements.

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 Reference Tables Manual (RFT).

MA provides medical assistance to individuals and families who meet financial and nonfinancial eligibility factors. The goal of the MA program is to ensure that essential health care services are made available to those who otherwise would not have financial resources to purchase them.

The Medicaid program is comprised of several sub-programs or categories. BEM 105 at 1. One category is FIP recipients; another category is SSI recipients. *Id.* To receive MA under an SSI-related category, the person must be aged (65 or older), blind, disabled, entitled to Medicare or formerly blind or disabled. *Id.* Families with dependent children, caretaker relatives of dependent children, persons under age 21 and pregnant, or recently pregnant, women receive MA under FIP-related categories. *Id.*

Persons may qualify for MA benefits under more than one MA category. Federal law gives them the right to the most beneficial category. The most beneficial category is the one that results in eligibility or the least amount of excess income. BEM 105 at 2. As a non-pregnant, non-disabled person between the ages of 21-65 years of age, Claimant's only plausible eligibility for Medicaid is through the Low-Income Family (LIF) or Group 2 Caretaker (G2C) program.

LIF policy defines "dependent child" exactly the same way as FIP group composition defines "dependent child". BEM 110 at 4. As it has already been found that Claimant's child does not meet the definition of "dependent child" beginning 5/24/10, it is also found that Claimant's child does not meet the identical definition for purposes of LIF eligibility. Claimant has no basis to receive Medicaid through LIF.

Claimant may still plausibly receive Medicaid through G2C. G2C policy defines "dependent child" as a child meeting the following age or age and school attendance requirement:

- under age 18; or
- 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/she must be expected to complete his educational or training program before age 19.

Once again, Claimant's child fails to meet the "dependent child" definition. Claimant is not otherwise eligible for any MA programs except for Adult Medical Program (AMP) which Claimant is receiving. It is found that DHS properly terminated Claimant's ongoing Medicaid by failing to meet any of the MA program requirements for ongoing Medicaid.

It should be noted that Claimant claims to be a disabled person. Claimant has a pending application for cash benefits through State Disability Assistance (SDA) and MA benefits based on a disability. DHS has yet to determine if Claimant is a disabled individual. Claimant is entitled to further hearing requests based on any DHS decision stemming from her pending requests for SDA and MA benefits based on disability.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that DHS properly terminated Claimant's FIP benefits and eligibility for ongoing Medicaid beginning 7/2010 based on Claimant's failure to meet the group composition requirements for both programs. The actions taken by DHS are AFFIRMED.



Christian Gardocki
Administrative Law Judge
For Ismael Ahmed, Director
Department of Human Services

Date Signed: 12/14/2010

Date Mailed: 12/14/2010

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 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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