

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.: 2010-7560  
Issue No.: 1021, 2015,  
3014, 5012  
Case No.: [REDACTED]  
Load No.: [REDACTED]  
Hearing Date:  
March 24, 2010  
Wayne County DHS (58)

ADMINISTRATIVE LAW JUDGE: Jan Leventer

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to Michigan Compiled Laws (MCL) 400.9 and 400.37 and Claimant's request for a hearing. After due notice, a telephone hearing was conducted from Detroit, Michigan, on March 24, 2010. Claimant appeared and testified. [REDACTED], appeared and testified on behalf of the Department of Human Services (DHS).

ISSUES

1. Whether DHS properly denied Medical Assistance (MA or Medicaid) benefits to Claimant?
2. Whether DHS properly denied State Disability Assistance benefits (SDA) to Claimant?

FINDINGS OF FACT

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

1. In 2009, Claimant received Family Independence Program (FIP), Food Assistance Program (FAP), Medical Assistance (MA or Medicaid) and State Disability Benefits (SDA) for himself and his daughter, [REDACTED], who lived with him.
2. In spring, 2009, [REDACTED] went to reside temporarily with relatives in Romulus.
3. There was no definite plan for her to return and live with Claimant.
4. On November 1, 2009, Claimant's daughter still lived in Romulus with other relatives.
5. Claimant's daughter was away from Claimant's home for more than thirty days.
6. On November 1, 2009, DHS discontinued Claimant's FIP and FAP benefits because he had no qualifying relationship to other household members.
7. On December 1, 2009, DHS discontinued Claimant's MA and SDA benefits because he had no qualifying relationship to other household members.
8. Claimant requested a hearing by written Notice and a letter to DHS on October 29, 2009.

#### CONCLUSIONS OF LAW

In this case, Claimant accepts and understands the closure of his FIP and FAP cases and asserted at the hearing only that he is entitled to MA and SDA benefits.

The Medical Assistance (MA or Medicaid) program was established by Title XIX of the Social Security Act and is implemented by CFR Title 42. DHS administers MA pursuant to MCL 400.1 *et seq.*, and MCL 400.105. The DHS policies are found in the Bridges Administrative Manual (BAM) and the Bridges Eligibility Manual (BEM).

BEM 105 states:

The Medicaid program is comprised of several sub-programs (i.e., categories). One category is FIP recipients. Another category is

SSI recipients. There are several other categories for persons not receiving FIP or SSI. However, the eligibility factors for these categories are based on (related to) the eligibility factors in either the FIP or SSI program. Therefore, these categories are referred to as either FIP-related or SSI-related.

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.

**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.** BEM 105, p. 1. (Bold print added for emphasis.).

Another regulation that applies here is BEM 135, “Group Caretaker Relatives:”

MA is available to parents and other caretaker relatives who meet the eligibility factors in this item...

Except for temporary absences, the person lives with a dependent child...

**Living together or living with** others means sharing a home, where family members usually sleep, except for temporary absences. A temporarily absent person is considered in the home. A person’s absence is temporary if his location is known; **and** there is a definite plan for his return; **and** he lived with the group before the absence; **and** the absence has lasted, or is expected to last, 30 days or less. BEM 135, pp. 1, 3. (Bold print in original.).

In this case, Claimant received MA and SDA as a parent of a child. However, when the child left the home to live in Romulus, there was no definite plan for her return. On the contrary, the plan was for her to remain in Romulus indefinitely because the city had a better school system than the one in which Claimant lived. Second, the absence lasted more than thirty days.

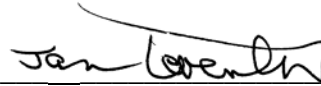
I conclude that two factors disqualified Claimant from FIP benefits, the lack of a plan for [REDACTED]’s return to her father’s home, and the fact that her absence lasted longer than thirty days. I conclude that Claimant’s Medical Assistance and SDA were based upon his receiving FIP.

When Claimant became ineligible for FIP benefits, he no longer had the proper status and was not eligible for MA and SDA.

I conclude that DHS properly terminated Claimant's MA and SDA benefits and its action is AFFIRMED.

DECISION AND ORDER

DHS' denial of MA and SDA benefits to Claimant is AFFIRMED. Claimant is not eligible for MA and SDA as he is no longer living together with a dependent child. The Department need take no further action.



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Jan Leventer  
Administrative Law Judge  
for Ismael Ahmed, Director  
Department of Human Services

Date Signed: April 6, 2010

Date Mailed: April 6, 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.

JL/pf

cc:

