

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: 2010-9307  
Issue No: 2003  
Case No: [REDACTED]  
Load No: [REDACTED]  
Hearing Date:  
April 13, 2010  
Genesee 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 claimant's request for a hearing. After due notice, an in-person hearing was held on Tuesday, April 13, 2010. The claimant personally appeared and testified on her own behalf with her authorized representative, [REDACTED].

ISSUE

Did the department properly close the claimant's Medical Assistance (MA) case because she was no longer eligible for Group 2 Caretaker Relative?

FINDINGS OF FACT

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

(1) The claimant was a recipient of MA through Group 2 Caretaker Relative because she had eligible children.

(2) The claimant's youngest daughter was born [REDACTED], which meant that the claimant was no longer eligible for Group 2 MA when the claimant's daughter turned 18 or finished high school, whichever one came first.

(3) On October 1, 2009, the department caseworker sent the claimant a notice that she was no longer eligible for Group 2 Caretaker Relative MA.

(4) The claimant's MA was previously reinstated as a part of a pending settlement for the Crawley lawsuit where claimants who were previously Group 2 Caretaker Relative MA eligible and their youngest child aged out and they were applying for MA disability benefits would have their MA continued until the Medical Review Team (MRT) denial.

(5) On October 9, 2009, the department sent a notice that the claimant would be eligible for MA from August 1, 2009 through October 31, 2009 because the claimant received an MRT denial for retroactive MA and ongoing MA, which results in the claimant's Group 2 Caretaker Relative MA case being closed. (Department Exhibit 11-13)

(6) On October 15, 2009, the department received a hearing request from the claimant, contesting the department's negative action.

#### 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).

## **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.

### **RULES FOR GROUPS**

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

Determine the fiscal and asset groups separately for each person requesting MA. When referring to the group listings, remember:

- Only persons living with one another can be in the same group. See “**LIVING WITH.**”
- Certain persons cannot be fiscal or asset group members in SSI-related MA. See “**EXCLUDED PERSONS.**”
- There is NO asset test for Group 2 FIP-related MA and the Healthy Kids categories.

- . **For all Group 2 FIP-related MA and Healthy Kids categories**, when a child lives with both parents who do not live with each other (e.g., child lives with his mother two weeks each month and his father the other two weeks), only one parent, the primary caretaker, is in the fiscal group. You must determine a **primary caretaker**. The primary caretaker is the parent who is primarily responsible for the child's day-to-day care and supervision in the home where the child sleeps more than half the days in a month, when averaged over a twelve-month period. The twelve-month period begins at the time the determination is being made. Vacations and visitations with the absent parent do not interrupt primary caretaker status. See rules in PEM 255 concerning support from the other parent. See "Verification Sources" in this item:
  - .. Joint physical custody occurs when parents alternate taking responsibility for the child's day-to-day care and supervision. It may be included in a court order or may be an informal arrangement between parents. A child is considered to be living with only one parent in a joint custody arrangement. This **parent is the primary caretaker**.
- . **For all Group 2 FIP-related MA and Healthy Kids categories**, count a pregnant woman as at least two members. If twins **are verified**, count the woman as three, etc.
- . **For PEM, Item 125 and 126 categories only**, continue to count the woman as two (or three, etc.) for two calendar months following her pregnancy termination for each unborn not resulting in a live birth. PEM, Item 211, pp. 1-2.

In the instant case, the claimant had been a recipient of MA through the Group 2 Caretaker Relative MA category. The claimant's youngest child became of age [REDACTED], which made the claimant no longer eligible for the Group 2 Caretaker Relative MA category. The department decided to reinstate the claimant's MA pending a settlement decision for the Crawley lawsuit which made her eligible for MA from August 1, 2009 through October 31,

2009. The claimant was subsequently denied by MRT and found to not be disabled. As a result, the department pended the claimant's MA case to close October 31, 2009.

This Administrative Law Judge decides that the claimant is not eligible for MA benefits because the MRT determined that she is not disabled. The claimant cannot continue to receive Group 2 Caretaker Relative MA benefits while she contests the MA-P disability denial.

Therefore, the department has established that it was acting in compliance with department policy by determining that the claimant was not eligible to continue to receive Group 2 MA Caretaker Relative benefits once she had been denied by the MRT as not being disabled.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the department appropriately denied the claimant's Group 2 Caretaker Relative MA benefits because the claimant was denied by the MRT that she is not disabled.

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

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

Date Signed: May 25, 2010

Date Mailed: May 25, 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.

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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:

