

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.: 2010-11002
Issue No.: 2015
Case No.: [REDACTED]
Load No.: [REDACTED]
Hearing Date:
April 7, 2010
Macomb County DHS (12)

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 conducted from Detroit, Michigan on April 7, 2010. Claimant appeared and testified. On behalf of Department of Human Services (DHS), [REDACTED], Specialist, appeared and testified.

ISSUE

Whether DHS correctly closed Claimant's Medicaid due to Claimant failing to meet the requirements of a caretaker for purposes of G2C?

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 received Medicaid for being part of a low-income family (LIF) until 10/2009.
2. In 11/2009, Claimant had excess income for LIF Medicaid.
3. In 11/2009, Claimant was eligible for G2C Medicaid deductible

4. The change in 11/2009 was due to a child and child's parent leaving the household.
5. The household change left a household of Claimant and his child whose date of birth is 12/13/91.
6. Claimant receives \$724/2 weeks in unemployment compensation (UC) benefits.
7. DHS closed Claimant's MA effective 1/2010 because Claimant was no longer eligible to receive MA as a caretaker due to the youngest child turning 18 and not meeting the definition of dependent child.
8. Claimant submitted a hearing request on 11/13/09 regarding reduction of his MA from LIF to G2C deductible.

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 (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.

Claimant and his child received Medicaid for being part of a low-income family until 10/2009. In 11/2009, the LIF based Medicaid became a Group 2 Caretaker (G2C) Medicaid with a \$380 deductible; the change was caused by two persons leaving the household.

Per RFT 243, a group of 2 persons can qualify for LIF if the net income of the group does not exceed \$413. Based on Claimant's biweekly UC income of \$724, Claimant's monthly net income exceeded \$413. It is found that Claimant's eligibility for LIF ended in 10/2009.

Claimant may still qualify for Medicaid for being a caretaker. BEM 135 outlines policy for G2C Medicaid. To be eligible for G2C, Claimant must be a parent of a dependent child. BEM 135 at 1. A "dependent child" is defined as being under age 18 or age 18 and a full-time student in a high school and expected to complete his educational or training program before age 19. *Id* at 2.

As of 12/2009, Claimant is the caretaker of an 18 year old but the 18 year old is not expected to graduate high school by age 19. Thus, Claimant does not meet BEM 135 requirements of being a caretaker. It is found that beginning 12/2009, Claimant is not eligible for LIF or G2C Medicaid. The above finding only applies for 12/2009 and is not necessarily permanent. For example, if Claimant's income decreases, he may be eligible for LIF which defines "dependent child" to include 18 year olds expected to graduate high school by age 20. Other changes such as new group members may allow Claimant to regain MA eligibility.

DECISION AND ORDER

The actions taken by DHS are AFFIRMED. The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that DHS properly closed Claimant's MA coverage.



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

Date Signed: 4/13/2010

Date Mailed: 4/13/2010

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 60 days of the filing of the original request.

The Claimant may appeal the Decision and Order to Circuit Court within 30 days of the receipt 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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