

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.: 201036094
Issue No.: 2015
Case No.: [REDACTED]
Load No.: [REDACTED]
Hearing Date: October 13, 2010
Office: Oakland County DHS (02)

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 October 13, 2010. The claimant appeared and testified. On behalf of Department of Human Services (DHS), [REDACTED], Specialist, appeared and testified.

ISSUE

Whether DHS properly terminated Claimant's Medical Assistance (MA) benefits due to Claimant's failure to meet the group composition eligibility requirements for Low Income Family and Group 2 Caretaker programs.

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 MA recipient.
2. Claimant is the parent of two children, [REDACTED] and [REDACTED] ([REDACTED]) for which Claimant is the primary caretaker.
3. Both of Claimant's children in her household do not attend high school.
4. DHS redetermined Claimant's MA benefits in 2/20/10 and determined that Claimant was no longer eligible for MA benefits because she no longer had a

“dependent child” as required for Low Income Family and Group 2 Caretaker MA programs.

5. Claimant had no other basis to receive MA benefits.
6. DHS redetermined Claimant to be ineligible for MA benefits to be effective 3/2010.
7. Claimant requested a hearing on 2/19/10 disputing the termination of her eligibility for MA benefits.

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.

Clients may qualify 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. Claimant is a non-pregnant, non-senior and non-disabled caretaker of children. As a parent, Claimant could potentially be eligible for MA benefit eligibility through the Low Income Family (LIF) or Group 2 Caretaker (G2C) programs.


Medicaid is available to families that meet the nonfinancial and financial eligibility of BEM 110 through LIF. LIF eligibility requires a dependent child within the applicant group. BEM 110 at 5. “Dependent child” is defined as a person who lives with a parent (or other specified relative who acts as his parent) and is either under age 18, or age 18 or 19 and a full-time high school student who is expected to graduate before age 20. At the time of 2/2010, both of Claimant’s children were over 18 years old and neither was attending high school. Thus, Claimant lacked a dependent child which would create eligibility for LIF. Accordingly, DHS properly found that Claimant was not eligible for MA benefits through LIF.

MA is also available to parents and other caretaker relatives who meet the eligibility factors of BEM 135 through the G2C program. G2C requires that a parent live with a dependent child. *Id* at 1. For purposes of G2C eligibility, "dependent child" is defined as a child who is under 18 years old 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. *Id* at 3. At the time DHS redetermined Claimant's MA benefits in 2/2010, neither of Claimant's children that lived with her were under 18 years of age or attending high school. Accordingly, DHS properly determined Claimant to not meet the requirements G2C eligibility requirements. As Claimant failed to have any other basis to receive MA benefits, it is found that DHS properly terminated Claimant's eligibility for MA benefits effective 3/2010.

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 terminated Claimant's MA benefits effective 3/2010 as Claimant failed to establish a basis to receive MA benefits.

/s/


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

Date Signed: October 27, 2010

Date Mailed: October 27, 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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