

STATE OF MICHIGAN
STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES
ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF THE CLAIM OF:



Reg. No.: 201037846
Issue No.: 2003
Case No.: [REDACTED]
Load No.: [REDACTED]
Hearing Date: October 4, 2010
Macomb County DHS

ADMINISTRATIVE LAW JUDGE: Aaron McClintic

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 4, 2010. The Claimant appeared at the hearing and testified. [REDACTED], JET Case Worker appeared on behalf of the Department.

ISSUE

Was the Department correct in closing Claimant's Medical Assistance case?

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 recipient of MA-LIF benefits.
- (2) Claimant's child turned 18 in February 2010.
- (3) No information was presented by the Department that Claimant's child was not attending high school, and on track to graduate in February 2010.
- (4) On March 1, 2010 Claimant's FAP MA case was closed due to her child turning 18.
- (5) Claimant requested a hearing on February 21, 2010 contesting the closure of 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 Program Reference Manual (PRM).

LIF Dependent Child Defined--Dependent child means a person who lives with his parent(s), or other specified relative who acts as his parent, and is: • Under age 18, **or**

• Age 18 or 19 and a full-time high school student who is expected to graduate before age 20. BEM 110.

In the present case, Claimant's child turned 18 in February 2010. No proof was presented at hearing that Claimant's child was not attending high school and on schedule to graduate when he turned 18. This ALJ finds that the Department has not acted in accordance with Department policy and law in closing Medical Assistance benefits. If the Department can substantiate that Claimant's child was not a full time high school student expected to graduate when he turned 18 or that Claimant's child graduated from high school then the Department can move to close Claimant's case in accordance with Department policy.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law decides that the Department was incorrect in the closure of Claimant's MA case, and it is ORDERED that the Department's decision is hereby REVERSED. Claimant's MA case shall be reinstated as of the date of closure.

/s/



Aaron McClintic
Administrative Law Judge
For Ismael Ahmed, Director
Department of Human Services

Date Signed: October 15, 2010

Date Mailed: October 15, 2010

201037846/AM

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.

AM/hw

cc:

