

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

IN THE MATTER:

[REDACTED]

Reg No. 201040821  
Issue No. 2003  
Case No. [REDACTED]  
Load No. [REDACTED]  
Hearing Date: August 5, 2009  
Kent County DHS

**ADMINISTRATIVE LAW JUDGE:** Jana A. Bachman

**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, a telephone hearing was held on August 5, 2010.

**ISSUE**

Whether the Department of Human Services (department) acted in compliance with department policy when it determined claimant's eligibility for Medical Assistance (MA).

**FINDINGS OF FACT**

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

1. During January through March 2010, claimant and her daughter received Low Income Family (LIF) MA. On or about January 2010, the department completed a LIF budget and found claimant to have excess income to qualify for LIF. Department Exhibit A, pg 14. Claimant was switched to TMA Medicaid.
2. Claimant's daughter turned 20 years old during March (Department Exhibit A, pg 52) and was attending college. TMA was terminated due to claimant no longer being a caretaker relative of a minor child.

## CONCLUSIONS OF LAW

The Medical Assistance (MA) program is established by the 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).

Department manuals provide the following policy statements and instructions for caseworkers:

A caretaker relative is a person who meets all of the following requirements:

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

- The parent of the dependent child; **or**
- The specified relative (other than a parent) who acts as parent for the dependent child. Acts as parent means provides physical care and/or supervision.
- The person is not participating in a strike; and, if the person lives with his spouse, the spouse is not participating in a strike.

A child is a dependent child when he meets all of the following conditions:

- The child is born.

The child meets the following age or age and school attendance requirement:

- He must be under age 18; **or**
- He must be 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 must be expected to complete his educational or training program before age 19.

Bridges Eligibility Manual (BEM) 135; 42 CFR 435.310, .510; Deficit Reduction Act of 2005.

Families may receive TMA for up to 12 months when ineligibility for LIF relates to income from employment of a caretaker.

LIF must be transferred to TMA when **all** of the requirements in 1-3 below are met.

- At least one LIF qualified group member was eligible for and received Michigan FIP (not EFIP) and/or LIF for three of the six calendar months immediately preceding the month of FIP/LIF ineligibility.
- If LIF is approved for a month prior to FIP eligibility (examples: application month, retro MA month), that month counts.
- LIF ineligibility resulted from **only** excess income.

TMA eligibility continues until the end of the 12-month TMA period unless:

- FIP is approved; or
- A change is reported, such as decreased income, and the family is eligible for LIF; or
- For individual members, information is reported indicating that a member does not meet the MA requirements in:
  - BEM 220, Residence.
  - BEM 257, Third Party Resource Liability.
  - BEM 265, Institutional Status.

**BEM 111**; Social Security Act, Section 1925, 1931

In this case, claimant had excess income to qualify for LIF. Meeting the qualifications for TMA, she was transferred to that MA program, but given only 3 months coverage due to her daughter turning 20 and therefore exceeding the age requirement for dependent child. Finding of Fact 1-2. After careful examination of the TMA policy, TMA is terminated prior to 12 months of eligibility for only 3 reasons: FIP is approved; or a change is reported and the family becomes eligible for LIF; or for individual members, a member does not meet residence, third party resource liability, or institutional status. BEM 111. Accordingly, a preponderance of the evidence establishes that the department did not properly terminate TMA due to age of claimant's daughter. As such, the department's action can not be upheld.

### **DECISION AND ORDER**

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides the Department of Human Services did not act in compliance with department policy when it determined claimant's eligibility for Medical Assistance.

Accordingly, the department's action is, hereby, REVERSED. The department is to initiate a determination of claimant's eligibility for TMA in compliance with department policy and this decision and order.

/s/

Jana A. Bachman  
Administrative Law Judge  
for Ismael Ahmed, Director  
Department of Human Services

Date Signed: December 22, 2010

Date Mailed: December 22, 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 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.

JAB/db

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