

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.: 201040989
Issue No.: 2018
Case No.: [REDACTED]
Load No.: [REDACTED]
Hearing Date: December 6, 2010
Oakland County DHS (2)

ADMINISTRATIVE LAW JUDGE: Michael J. Bennane

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 December 6, 2010. The claimant appeared and testified.

ISSUE

Did the Department properly close the Claimant's MA?

FINDINGS OF FACT

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

1. On April 1, 2010, the department notified the claimant that her MA, based on caretaker relative policy, would close because the claimant's pregnancy was over and the child was put up for adoption, and there were no other minor children in the group.
2. On March 24, 2010, the claimant filed a request for hearing.

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).

Here, the Department found the claimant had become ineligible for MA because her pregnancy was over and there were no minor children in the group.

Clients clearly not eligible for any other medical assistance programs do not have to apply for them.

- There are MA categories for clients who are:
 - Age 65 or older, blind, or disabled.
 - Pregnant or recently pregnant.
 - Caretaker relatives of dependent children.
 - Under age 21. (PEM 640, p.1).

This ALJ sympathizes with the claimant but the policy clearly makes MA unavailable to this claimant. The claimant is encouraged to apply for MA as a disabled adult.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, AFFIRMS the department's actions in the instant case.



Michael J. Bennane
Administrative Law Judge
For Ismael Ahmed, Director
Department of Human Services

Date Signed: 12/28/2010

Date Mailed: 12/28/2010

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.

201040989/MJB

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.

MJB/jlg

cc:

