

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

IN THE MATTER OF:



Reg. No: 201044945  
Issue No: 2003  
Case No: [REDACTED]  
Load No: [REDACTED]  
Hearing Date:  
September 21, 2010  
Wayne County DHS

**ADMINISTRATIVE LAW JUDGE:** Landis Y. Lain

**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, an in-person hearing was held on September 21, 2010. Claimant personally appeared and testified.

**ISSUE**

Did the Department of Human Services (the department) properly determine that claimant was no longer eligible for Medical Assistance (MA-P) under the caretaker relative category?

**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 receiving Medical Assistance benefits under the low income family, with her son.
- (2) Claimant turned 19 years old and began to receive SSI.
- (3) The department determined that claimant was no longer eligible to receive Medical Assistance under the low income family/FIP related Medical Assistance.
- (4) On December 19, 2009, the department caseworker sent claimant notice that her Medical Assistance case would be cancelled effective January 1, 2010.

- (5) On March 30, 2010, claimant filed a request for a hearing to contest the department's negative action.

### **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 (DHS or department) 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).

The department manuals provide the following relevant policy statements and instructions for caseworkers: Group 2 caretaker relative Medical Assistance in an FIP related Group 2 MA category. MA is available to parents and other caretaker relatives who meet the eligibility factors in this item. All eligibility factors must be met in the calendar month being tested. BEM, Item 13, p. 1.

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

- A child is born
- Child meets the FIP eligibility factors
- The child is a resident using MA policy, BEM 220.
- The child meets the following age or age and school attendance requirement:
  - He must be under age 18 or he must be age a 18
  - A full time student in high school or the equivalent level of vocational or technical training as defined in FIP policy and BEM, 245.
  - He must be expected to complete his education or training program before age 19
- The child is an FIP recipient
- An SSI recipient
- An MA applicant
- An active MA deductible
- A MA recipient or a My Child recipient, BEM, Item 135, p.3.

In the instant case, claimant was no longer eligible for MA caretaker relative because her youngest child turned 19 and was eligible for SSI.

**DECISION AND ORDER**

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the department has established by the necessary competent, material and substantial evidence on the record that it was acting in compliance with department policy when it determined that claimant was no longer eligible for Medical Assistance benefits under the caretaker relative category because her child turned 19 and was receiving SSI benefits.

Accordingly, the department's decision is AFFIRMED.

Landis \_\_\_\_\_  
/s/ Y. Lain  
Administrative Law Judge  
for Ismael Ahmed, Director  
Department of Human Services

Date Signed: October 11, 2010

Date Mailed: October 12, 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 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.

LYL/alc

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