

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: 201052920

Issue No: 2018

[REDACTED] DHS

ADMINISTRATIVE LAW JUDGE: Kevin Scully

HEARING DECISION

This matter is before the undersigned Administrative Law Judge by authority of MCL 400.9 and MCL 400.37. Claimant's request for a hearing was received on August 24, 2010. After due notice, a telephone hearing was held on Thursday, January 13, 2011.

ISSUE

Whether the Department of Human Services (Department) properly determined the Claimant's Medical Assistance (MA) eligibility?

FINDINGS OF FACT

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

1. The Claimant was an ongoing MA recipient until September 1, 2010.
2. The Claimant reported to the Department that her minor daughter was no longer living in her household.
3. On August 13, 2010, the Department notified the Claimant that her MA benefits would be terminated as of September 1, 2010, because she did not meet the non-financial requirements of the program.
4. The Department received the Claimant's request for a hearing on August 24, 2010, protesting the termination of her 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 (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), Reference Table Manual (RFT), and the Bridges Reference Manual (BRM).

MA is available to parents and other caretaker relatives who meet the eligibility factors in this item. BEM 135. A caretaker relative is a person that lives with a dependent child and is the parent of the dependent child, or a relative who acts as parent for the dependent child. BEM 135.

The Claimant was an ongoing MA recipient. On August 8, 2010, the Claimant reported to the Department that her minor daughter was no longer living in her household. On August 13, 2010, the Department reviewed the Claimant's eligibility for MA benefits and determined that she was no longer eligible to receive MA benefits.

Since the Claimant does not live with a dependent child, she no longer meets the eligibility factors to receive MA benefits. Therefore, the Department has established that it acted in accordance with policy when it terminated the Claimant's MA benefits.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the Department acted in accordance with policy in determining the Claimant's MA eligibility.

The Department's MA eligibility determination is AFFIRMED. It is SO ORDERED.

/s/ _____
Kevin Scully
Administrative Law Judge
for Maura D. Corrigan, Director
Department of Human Services

Date Signed: __1/26/11_____

Date Mailed: __1/27/11_____

