

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:

[REDACTED]

Reg. No.: 201053238
Issue No.: 2003
Case No.: [REDACTED]
Load No.: [REDACTED]
Hearing Date: December 13, 2010
Macomb County DHS (20)

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 13, 2010. The claimant appeared and testified. The claimant was represented by her authorized representative (AR) [REDACTED]

ISSUE

Did the department properly deny the claimant's Medical Assistance (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 May 26, 2010, the claimant applied for MA.
2. The department denied the claimant's MA application because the claimant's child was over the age of 19.
3. On July 29, 2010, the claimant filed a timely 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).

DEPENDENT CHILD DEFINED

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

The child is born.

The child meets the **FIP** eligibility factors in the following items:

- BEM 223, Social Security Numbers.
- BEM 225, Citizenship/Alien Status.
- BEM 227, Strikers.
- BEM 270, Pursuit of Benefits.

The child is a resident using **MA** policy in 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 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. (BEM 135, pp.2-3)

In the instant case, the claimant's son's birth date is [REDACTED]. When the claimant applied for MA her son was 20 years of age.

This ALJ finds that the department was correct in denying the claimant's MA application because her child was over the age of 19.

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: 12/29/2010

Date Mailed: 12/29/2010

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.

MJB/jlg

cc:

