

STATE OF MICHIGAN
STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES

ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF:

[REDACTED]

Claimant

Reg. No.: 20109749

Issue No.: 2015

Case No.: [REDACTED]

Load No.: [REDACTED]

Hearing Date:

April 5, 2010

Wayne County DHS

ADMINISTRATIVE LAW JUDGE: Jeanne M. VanderHeide

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 conducted on April 5, 2010. The Claimant appeared and testified. Claimant's mother, [REDACTED] was present. [REDACTED] ESW, [REDACTED] ES and [REDACTED] FIM, appeared on behalf of the Department.

ISSUE

Whether the Department properly terminated the Claimant's Medical Assistance ("MA") benefits under the LIF program effective April 23, 2009?

FINDINGS OF FACT

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

1. The Claimant applied for Social Security disability benefits and was referred to the local DHS office to apply for Medicaid benefits in January, 2009.

2. The Claimant was granted MA through the LIF program and received benefits from 1/09 through 11/23/09.
3. The Claimant did not have any minor children living in his household during this time period. Claimant's son turned 21 years of age on April 19th.
4. Claimant's LIF MA benefits were terminated effective 11/23/09.
5. Claimant objected to the MA termination and filed this appeal. The Department received the Claimant's Request for Hearing on November 23, 2009.
6. Claimant has since reapplied for Disability based MA benefits on 1/15/10 which application is still pending.

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, formally 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 Reference Table ("RFT").

The goal of the Medicaid program is to ensure that essential health care services are made available to those who otherwise could not afford them. PEM 105, p. 1. Medicaid is also known as Medical Assistance ("MA"). *Id.* The Medicaid program is comprised of several categories; one category is for FIP recipients while another is for SSI recipients. *Id.* Programs for individuals not receiving FIP or SSI are based on eligibility factors in either the FIP or SSI program thus are categorized as either FIP related or SSI related. *Id.* To receive MA under an SSI related category, the person must be aged (65 or older), blind, disabled, entitled to Medicare

or formally blind or disabled. *Id.* Families with dependent children, caretaker relatives of dependent children, persons under age 21 and pregnant, or recently pregnant women, receive MA under FIP related categories. *Id.* Low Income Family (LIF) MA is a FIP related Group 1 MA category. BEM 110. As such, in order to qualify for LIF MA, there must be a minor child in the family. BEM 105. Persons may qualify under more than one MA category. Federal law gives them the right to the most beneficial category. The most beneficial category is the one that results in eligibility or the least amount of excess income. *Id.*

In the subject case, Claimant did not have a minor child in the family at any time during the period that he qualified for LIF. Therefore, Claimant would not have qualified for LIF MA. However, the Department should have evaluated Claimant's eligibility under all MA categories. It is unclear from the record whether Claimant was evaluated for Disability based MA at the time of his January, 2009 application. If a disability based MA application was not processed in January of 2009, it needs to be done now.

Based upon the foregoing facts and relevant law, it is found that the Department's determination is AFFIRMED in part.

DECISION AND ORDER

The Administrative Law Judge, based upon the above finds of fact and conclusions of law, finds the Department properly denied Claimant LIF MA effective 11/23/09 as there were no minor children in Claimant's household. Accordingly, the Department's decision is AFFIRMED.

IT IS FURTHER ORDERED that the Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds the Department should have processed an application for disability based MA at the time of the January, 2009 LIF MA application.

Accordingly, it is Ordered:

1. That if the Department did not already make a determination on disability based MA in January of 2009, the Department shall reopen Claimant's January, 2009 application and process it for disability based MA benefits from January, 2009 forward.
2. If Claimant is determined to be eligible for disability based MA benefits, for the January, 2009 application, then the Department shall supplement Claimant with any lost benefits he was otherwise entitled to receive.

Jeanne M. VanderHeide
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: _____

Date Mailed: _____

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 60 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.

JV/ hw

cc:



