

STATE OF MICHIGAN  
MICHIGAN ADMINISTRATIVE HEARING SYSTEM  
ADMINISTRATIVE HEARINGS FOR THE  
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF:

[REDACTED]

Reg. No. : 2011-24691  
Issue No. : 2015  
Case No.: [REDACTED]  
Hearing Date: June 14, 2011  
DHS County: Oakland (03)

**ADMINISTRATIVE LAW JUDGE:** Jan Leventer

**HEARING DECISION**

This matter is before the undersigned Administrative Law Judge pursuant to Michigan Compiled Laws (MCL) 400.9 and 400.37 and Claimant [REDACTED] request for a hearing. After due notice, a telephone hearing was held on June 14, 2011. The Claimant appeared and testified. [REDACTED] Assistance Payments Supervisor, appeared and testified on behalf of the Department of Human Services (DHS). Also present from DHS was [REDACTED] Assistance Payments Worker.

**ISSUE**

Whether DHS denied Medical Assistance (MA or Medicaid) benefits to Claimant in accordance with DHS policy and procedure?

**FINDINGS OF FACT**

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

1. In 2011, Claimant received MA benefits for herself and her son, [REDACTED] date of birth [REDACTED].
2. On or before January 28, 2011, Claimant's son was no longer living in Claimant's home.

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3. On February 8, 2011, Claimant reported to DHS that her son was no longer living in her home.
4. On February 16, 2011, DHS issued a Notice of Case Action terminating Claimant's MA benefits effective March 1, 2011.
5. On March 10, 2011, Claimant filed a Request for a Hearing with DHS.

### **CONCLUSIONS OF LAW**

MA was established by Title XIX of the U.S. Social Security Act and is implemented by Title 42 of the Code of Federal Regulations. DHS administers the MA program pursuant to MCL 400.10 *et seq.* and MCL 400.105. Department policies are found in Bridges Administrative Manual (BAM), Bridges Eligibility Manual (BEM) and Reference Tables (RFT). These manuals are available online at [www.michigan.gov/dhs-manuals](http://www.michigan.gov/dhs-manuals).

BAM, BEM and RFT are the policies and procedures DHS officially created for its own use. While they are not laws created by the U.S. Congress or the Michigan Legislature, they constitute legal authority which DHS must follow. It is to the manuals that I look now, in order to see what policy applies in this case. After setting forth what the applicable policies are, I will examine whether they were in fact followed in this case.

BEM 110, "Low-Income Family MA (LIF)," is the manual item I believe applies in this case. This is the program Claimant was terminated from, and it is the program from which she was terminated.

BEM 110 requires that LIF recipients must have a dependent child in the family group, with only three exceptions, a pregnant woman, a recipient of Supplemental Security Income (SSI) from the Social Security Administration, and a foster care parent. Clearly Claimant is not in any exception category and does not qualify for the LIF program. I conclude and determine, based on all of the testimony and evidence in this case as a whole, that DHS acted in accordance with its policies and procedures in terminating Claimant's LIF benefits. DHS' action is AFFIRMED. BEM 110, p. 7.

Claimant testified that her son is only temporarily absent from the home, but BEM 211, "MA Group Composition," does limit the time period of a temporary absence to thirty days. At the Administrative Hearing on June 14, 2011, Claimant testified that her son was absent from the home for more than thirty days. I must find therefore that Claimant's son cannot be considered to be temporarily absent under the law. BEM 211, pp. 2-3.

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In conclusion, based on the findings of fact and conclusions of law above, I find and determine that DHS is hereby **AFFIRMED**. DHS need take no further action in this matter.

**DECISION AND ORDER**

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides and determines that DHS is **AFFIRMED** in this matter. DHS need take no further action at this time.



Jan Leventer  
Administrative Law Judge  
For Maura Corrigan, Director  
Department of Human Services

Date Signed: June 20, 2011

Date Mailed: June 21, 2011

**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.

JL/cl

cc:

