

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

IN THE MATTER OF:



Reg. No.: 2011-40646
Issue No.: 2018
Case No.: [REDACTED]
Hearing Date: September 21, 2011
Macomb County DHS (20)

ADMINISTRATIVE LAW JUDGE: Colleen M. Mamelka

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 hearing was held in Warren, Michigan on Wednesday, September 21, 2011. The Claimant appeared, along with [REDACTED] and testified. [REDACTED] appeared on behalf of the Department of Human Services ("Department").

ISSUE

Whether the Department properly terminated the Claimant's Medical Assistance ("MA") under the Low Income Family ("LIF") benefit program?

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 a MA recipient under the LIF program.
2. The Claimant's child is 19 years old and does not attend high school.
3. On May 18, 2011, the Department sent a Notice of Case Action informing the Claimant that her MA coverage would cancel effective June 1, 2011.

4. On May 20, 2011, the Department received the Claimant's timely written request for hearing.
5. Upon receipt of the timely hearing request, the Department deleted the negative action pending the outcome of the hearing.

CONCLUSIONS OF LAW

The Medical Assistance program is established by Subchapter XIX of Chapter 7 of The Public Health & Welfare Act, 42 USC 1397, and is administered by the Department of Human Services, formerly known as the Family Independence Agency, 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 Bridges Reference Tables ("RFT"). The Low Income Family ("LIF") and the Medicaid based on having a minor child(ren) in the home ("MA-N"), are part of the MA program. BEM 110; BEM 113.

For purposes of the LIF program, a dependent child means a person who lives with his parent(s), or other specified relative who acts as her/his parent, and is under age 18 or age 18 or 19 and a full-time high school student who is expected to graduate before age 20. BEM 110. A person remains eligible with respect to age for the entire month in which s/he reaches the maximum age. BEM 110.

In this case, the Claimant previously had MA coverage under the LIF program because she was a caretaker of a minor child. After the Claimant's son graduated from high school and turned 19 years old, the Claimant was no longer considered a caretaker and, thus, she was ineligible for MA benefits under the LIF program. As a result, the Department properly notified the Claimant of the termination of MA benefits. The Claimant timely requested a hearing which resulted in the negative action being deleted pending the outcome of this hearing. Ultimately, the Department established it acted in accordance with Department policy when it terminated the Claimant's MA benefits under the LIF program. Accordingly, the Department's determination is AFFIRMED.

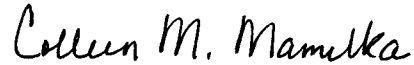
DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law finds the Department established it acted in accordance with department policy when it terminated the Claimant's MA benefits under the LIF program.

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Accordingly, it is ORDERED:

The Department's determination of MA benefits is AFFIRMED.



Colleen M. Mamelka
Administrative Law Judge
For Maura Corrigan, Director
Department of Human Services

Date Signed: September 22, 2011

Date Mailed: September 22, 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.

Claimant may request a rehearing or reconsideration for the following reasons:

- A rehearing **MAY** be granted if there is newly discovered evidence that could affect the outcome of the original hearing decision.
- A reconsideration **MAY** be granted for any of the following reasons:
 - misapplication of manual policy or law in the hearing decision,
 - typographical errors, mathematical error, or other obvious errors in the hearing decision that effect the substantial rights of the claimant:
 - the failure of the ALJ to address other relevant issues in the hearing decision.

Request must be submitted through the local DHS office or directly to MAHS by mail at
Michigan Administrative hearings
Reconsideration/Rehearing Request
P. O. Box 30639
Lansing, Michigan 48909-07322

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cc:

