

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.: 2011-2300
Issue No.: 2015
Case No.: [REDACTED]
Hearing Date: January 27, 2011
Oakland County DHS (03)

ADMINISTRATIVE LAW JUDGE: Christian Gardocki

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 January 27, 2011. The claimant appeared and testified. On behalf of Department of Human Services (DHS), [REDACTED], Specialist, and [REDACTED], Manager, appeared and testified.

ISSUE

Whether DHS properly terminated Claimant's Medical Assistance (MA) based on Claimant no longer meeting any of the categories eligible for MA.

FINDINGS OF FACT

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

1. Claimant was an ongoing MA recipient.
2. Claimant received Medicaid by being a caretaker of a minor child.
3. Claimant is the caretaker to a child (DOB [REDACTED]) who graduated high school in 6/2010.
4. On 8/6/10, DHS mailed Claimant a Notice of Case Action terminating Claimant's MA benefits because she failed to meet any of the MA categories for Medicaid.
5. On 8/13/10, Claimant requested a hearing disputing 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 (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 Reference Tables Manual (RFT).

MA provides medical assistance to individuals and families who meet financial and nonfinancial eligibility factors. The goal of the MA program is to ensure that essential health care services are made available to those who otherwise would not have financial resources to purchase them.

The Medicaid program is comprised of several sub-programs which fall under one of two categories; one category is FIP-related and the second category is SSI-related. BEM 105 at 1. To receive MA under an SSI-related category, the person must be aged (65 or older), blind, disabled, entitled to Medicare or formerly 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.* AMP is an MA program available to persons not eligible for Medicaid through the SSI-related or FIP-related categories.

The only category relevant in the present case is FIP-related MA. Claimant may be eligible for FIP-related MA if it is established that her child meets the definition of a dependent child. Two potential FIP-Related MA programs in which Claimant could be eligible are Low Income Family (LIF) and Group Two Caretaker (G2C).

For purposes of LIF, dependent child means a person who lives with his parent(s) (or other specified relative who acts as 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 at 4. As a high school graduate over 18 years of age, Claimant's child is not considered a dependent child for purposes of LIF.

For purposes of G2C eligibility, a dependent child is defined as under age 18; or age 18 and a full-time student in a high school or in the equivalent level of vocational or technical training expected to complete the program before age 19. BEM 135 at 3. Again, based on Claimant's child's age and high school completion, he does not meet the definition of dependent child for purposes of Claimant's eligibility for G2C. As Claimant does no longer meets the caretaker definitions for MA eligibility, it is found that Claimant's MA benefits were properly was terminated by DHS.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that DHS properly terminated Claimant's MA benefits. The actions taken by DHS are AFFIRMED.

Christian Gardocki

Christian Gardocki
Administrative Law Judge
For Maura Corrigan, Director
Department of Human Services

Date Signed: 1/31/2011

Date Mailed: 1/31/2011

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.

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