

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 2011-27372
Issue No.: 2003
Case No.: [REDACTED]
Hearing Date: May 18, 2011
DHS County: Wayne (15)

ADMINISTRATIVE LAW JUDGE: Michael J. Bennane

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9; MSA 16409 and MCL 40037; MSA 16.437 upon the claimant's request for a hearing. After due notice, a telephone hearing was held in Detroit, Michigan on May 18, 2011. The claimant was represented by her Authorized Representative (AR), L & S Associates.

ISSUE

Did the Department of Human Services (Department) properly deny the claimant's Medical Assistance (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. On January 28, 2010, the claimant applied for MA and retroactive MA.
2. The Department denied the claimant's MA application because the claimant turned 21 years of age on [REDACTED]
2. On August 19, 2010, the claimant's AR filed a request for hearing.

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 MC L 400.105. Department policies are found in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Bridges Reference Manual (BRM).

The Department relies on BEM 132 which reads in part:

DEPARTMENT POLICY

This is a FIP-related Group 2 MA category.

MA is available to a person who is under age 21 and meets the eligibility factors in this item. All eligibility factors must be met in the calendar month being tested. (BEM 132, p.1.)

In the instant case the claimant turned 21 on January 12, 2010.

The claimant's AR argues that BEM 240 allows the claimant to receive MA for the month in which she turned 21.

FIP, SDA, RAP, CDC, MA and AMP Only

Age is an eligibility factor for FIP, SDA, RAP, CDC, AMP, and certain MA types of assistance.

An individual remains eligible with respect to age for the entire month in which they reach the maximum age.

Bridges evaluates age as an eligibility factor at application, redetermination and whenever an individual reaches an age limit defined in policy below. (BEM 240, p.1.)

This Administrative Law Judge finds that the Department was incorrect in denying the claimant's MA for the month of January. Both BEM 240 and BEM 132 indicate that the "eligibility factors must be met in the month being tested," in this instance January, and that an "individual remains eligible for the entire month in which they reach the maximum age," again January. The Department argues that this only pertains to an individual that was already receiving benefits but this Administrative Law Judge can find no such reference in the policy.

DECISION AND ORDER

The Administrative Law Judge, based on the above findings of fact and conclusions of law, REVERSES AND ORDERS the Department to include January, 2010, in the claimant's MA coverage.

Michael
Administrative
for
Department



J. Bennane
Law Judge
Maura Corrigan, Director
of Human Services

Date Signed: August 1, 2011

Date Mailed: August 1, 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.

MJB/cl

cc:

