

STATE OF MICHIGAN
STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES
ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF:



Reg. No: 20113002
Issue No: 2018; 3019
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
November 23, 2010
Ingham County DHS

ADMINISTRATIVE LAW JUDGE: Vicki L. Armstrong

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37 upon claimant's request for a hearing. After due notice, a telephone hearing was held on November 23, 2010. The claimant personally appeared and provided testimony.

The law, MCL 24.278(2) provides that a disposition may be made of a contested case hearing by stipulation or agreed settlement. In this case, the claimant and his home care worker testified that Claimant's FAP benefits had been closed, then reopened, and Claimant had received a supplement payment for the time period covering the closed period. Claimant stated that he is currently receiving FAP, and it is no longer an issue.

Therefore, it is not necessary for the Administrative Law Judge to decide the FAP matter that was in dispute.

Pursuant to MAC R 400.906 and 400.903, Claimant's hearing request for FAP benefits is HEREBY DISMISSED, because Claimant is no longer aggrieved by a department action.

ISSUE

Did the department properly close Claimant's Medical Assistance (MA) benefits case when it was informed Claimant's only minor child had moved out of the home?

FINDINGS OF FACT

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

1. Claimant was a recipient of MA benefits.
2. The department received information on August 30, 2010, that Claimant's only minor child moved out of the home.
3. Claimant is over 21 years of age; he does not have any minor children residing in his household and he was not disabled during the time period relevant to this matter.
4. Claimant submitted a hearing request, protesting the termination of his Medical Assistance (MA) benefits on September 7, 2010.

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 (DHS or department) 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 Program Reference Manual (PRM).

DEPARTMENTAL POLICY

MA Only

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. Medicaid is also known as Medical Assistance (MA).

SSI-RELATED AND FIP-RELATED

The Medicaid program is comprised of several sub-programs or categories. One category is FIP recipients. Another category is SSI recipients. There are several other categories for persons not receiving FIP or SSI. However, the eligibility factors for these categories are based on (related to) the eligibility factors in either the FIP or SSI program. Therefore, these categories are referred to as either FIP-related or SSI-related.

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.

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.

As indicated above, there are two types of Medical Assistance, (MA), SSI-Related and FIP-Related. In order to qualify for SSI-Related MA, Claimant must be 65 or older, blind or disabled. In this case, Claimant is not 65 or older, blind or disabled. Claimant testified that he was in the process of being evaluated to determine whether he was eligible to qualify for SSI. However, as of the date of the hearing, Claimant had not been approved for SSI. Therefore, because Claimant is not aged, blind or disabled, Claimant is not eligible for SSI-Related MA.

In order to qualify for FIP-Related MA, the household must contain minor children. Claimant did not have any minor children residing in his household at any time relevant to this matter. Because Claimant no longer has minor children residing in his household, Claimant does not qualify for FIP-Related MA.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides the department properly closed Claimant's MA case because Claimant no longer meets the non-financial eligibility criteria for MA.

Accordingly, the department's determination is UPHELD. SO ORDERED.

/S/
Vicki L. Armstrong
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: December 6, 2010

Date Mailed: December 7, 2010

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.

20113002/VLA

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.

VLA [REDACTED]

cc: [REDACTED]