

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

IN THE MATTER OF:

[REDACTED]

Reg. No: 201130321
Issue No: 2015
Case No: [REDACTED]
Hearing Date: September 6, 2011
Kent County DHS

ADMINISTRATIVE LAW JUDGE: Janice G. Spodarek

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 September 6, 2011.

ISSUE

Did the DHS properly propose to close claimant's MA on the grounds that there was no longer an eligible dependent child in the household group?

FINDINGS OF FACT

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

1. At all relevant times prior to the proposed negative action herein, claimant was the guardian of a minor child. Claimant and the child received Caretaker Relative MA.
2. On March 7, 2011, the DHS worker received an email from the Friend of the Court notifying the DHS that she received an Order following hearing to Terminate Minor Guardianship dated [REDACTED] for the dependent child in claimant's household. The dependent child was in guardianship care with claimant and on the case benefits.
3. On March 17, 2011, the DHS issued notice to remove the child from the benefits triggering no eligibility for claimant either in the household.

4. On March 21, 2011, claimant filed a timely hearing request. The department reinstated the action pending the outcome of the hearing.
5. Claimant's category was Caretaker Relative.
6. Unrelated to the case herein, claimant has applied for MA-P and been denied.

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 Program Administrative Manual (PAM), the Program Eligibility Manual (PEM) and the Program Reference Manual (PRM).

Applicable to the case herein, relevant manual items are found in BAM Items 105, 110, 115, 210, 220 and 600. Relevant eligibility manual items are found primarily in BEM Items 110, 125, 126, 135, 163, 166, and 220.

In the above cited authority, in order to maintain eligibility for benefits, an individual must show that they fall under one of the State of Michigan Medicaid categories. In this case, prior to the proposed negative action herein, claimant was receiving benefits under the Caretaker Relative Medicaid category pursuant to the minor child in the household for which claimant was the guardian. When that child was removed from the home, there was no longer Caretaker eligibility as there were no other minor children.

Under the above cited authority, the department was required to close the case if there are no categories for which claimant qualified for Medicaid.

Claimant noted at the administrative hearing that during this time she has applied for MA-P and been denied.

Under federal law and state policy, the DHS was required to propose closure where there is no factors showing any eligibility for any Medicaid category in the household. Claimant did not submit any evidence of any eligibility after the child was removed for the category under which she previous received Medicaid, and/or for any other category. Thus, this Administrative Law Judge must uphold the department's proposed closure.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the department's proposed closure was correct.

Accordingly, the department's proposed closure is hereby UPHELD.

/S/

Janice G. Spodarek
Administrative Law Judge
for Maura D. Corrigan, Director
Department of Human Services

Date Signed: September 23, 2011

Date Mailed: September 27, 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.

JGS/db

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