

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

IN THE MATTER OF THE CLAIM OF:

[REDACTED]

Reg. No.: 2011-34009
Issue No.: 2003
Case No.: [REDACTED]
Hearing Date: June 29, 2011
Macomb County DHS

ADMINISTRATIVE LAW JUDGE: Susan C. Burke

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 June 29, 2011. The claimant appeared and testified. [REDACTED] JET Case Manager, appeared on behalf of the Department of Human Services (Department or DHS.)

ISSUE

Was the Department correct in its decision to close Claimant's MA case due to Claimant no longer being a caretaker of a minor child?

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's son turned [REDACTED] on November 28, 2010.
3. Claimant's son is a full-time student in high school.
4. The Department closed Claimant's MA case on March 4, 2011, due to Claimant no longer being a caretaker of a minor child.
5. Claimant requested a hearing, protesting the closure of her MA case.

CONCLUSIONS OF LAW

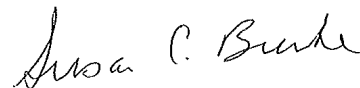
The Medical Assistance (MA) program is established by the Title XIX of the Social Security Act and is implemented by Title 42 of the Code of Federal Regulations (CFR). The Department of Human Services (formerly known as the Family Independence Agency) administers the MA program pursuant to MCL 400.10, *et seq.*, and MCL 400.105. Department policies are found in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Program Reference Manual (PRM).

BEM 135, p. 3 states that to be eligible for MA as a Group 2 Caretaker Relative, the client's child must be under age 18 or he must be age 18 and a full-time student in a high school and be expected to complete his educational or training program before age 19.

In the present case, Claimant testified that her son turned eighteen years of age on November 28, 2010. Claimant's son is a full-time high school student who has completed [REDACTED]. The Department did not present evidence that Claimant's son would not complete his high school education by the age of [REDACTED]. Therefore, the Department was not correct in its decision to close Claimant's MA case.

DECISION AND ORDER

The Administrative Law Judge, based on the above findings of fact and conclusions of law decides that the Department was not correct in its decision to close Claimant's MA case. It is therefore ORDERED that the Department shall reinstate Claimant's MA case if Claimant is otherwise eligible.



Susan C. Burke
Administrative Law Judge
For Maura Corrigan, Director
Department of Human Services

Date Signed: 7/1/11

Date Mailed: 7/1/11

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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.

SB/sm

cc:

