

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 201136687  
Issue No.: 1001, 2015  
Case No.: [REDACTED]  
Hearing Date: July 13, 2011  
WAYNE (15)

**ADMINISTRATIVE LAW JUDGE:** Yasmin J. Elias

**HEARING DECISION**

This matter is before the undersigned Administrative Law Judge pursuant to Michigan Compiled Laws (MCL) 400.9 and 400.37 and Claimant [REDACTED] request for a hearing. After due notice, a telephone hearing was conducted from Detroit, Michigan, on July 13, 2011. The Claimant and her son, [REDACTED], appeared and testified. [REDACTED], Family Independence Manager, appeared and testified for the Department of Human Services (DHS).

**ISSUE**

Whether DHS terminated Claimant from the Family Independence Program (FIP) and the Medicaid benefits program in accordance with its policies and procedures?

**FINDINGS OF FACT**

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

1. In 2011, the Claimant was a FIP, FAP and Medicaid benefits recipient, based on a finding that she was the caretaker of a dependent child who was attending school.
2. On May 26, 2011, the DHS processed a redetermination of the Claimant's continued eligibility for the referenced benefits.
3. As part of the redetermination process, the Claimant disclosed that her son is currently 19, and not attending school full-time.
4. In order to remain eligible for FIP and Medicaid benefits as a caretaker, the Claimant had to be able to demonstrate that she was the caretaker of a child under the age of

18 or a child who, although over the age of 18, was still attending school and was expected to graduate prior to his 20<sup>th</sup> birth date.

5. As the Claimant was no longer the caretaker of a child under the age of 18 or a child over the age of 18 who was attending school full time and was expected to graduate before he or she attained the age of 20, the Claimant was informed that her FIP and Medicaid benefits would be terminated effective July 1, 2011, by notice of case action issued May 26, 2011.
6. The Claimant Requested a Hearing regarding this decision on June 1, 2011.

### **CONCLUSIONS OF LAW**

FIP was established by the U.S. Personal Responsibility and Work Opportunity Reconciliation Act of 1996, Public Law 104-193, 8 USC 601 *et seq.* DHS administers FIP pursuant to MCL 400.10 *et seq.*, and Michigan Administrative Code Rules (MACR) 400.3101-400.3131. Department policies are found in Bridges Administrative Manual (BAM), Bridges Eligibility Manual (BEM) and Reference Tables (RFT). These manuals are available online at [www.michigan.gov/dhs-manuals](http://www.michigan.gov/dhs-manuals).

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. BEM 105 at p. 1. Medicaid is also known as Medical Assistance (MA). BEM 105 at p. 1. The Medicaid program is comprised of several sub-programs or categories. One category is FIP recipients. Another category is SSI recipients. BEM 105 at p. 1. 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. BEM 105 at p. 1. 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. BEM 105 at p. 1.

For all programs, DHS must request verifications when required by policy. BAM 130 at 1. Verification means documentation or other evidence to establish the accuracy of the client's verbal or written statements. BAM 130 at p. 1. Verification is usually required at application or redetermination. BAM 130 at p. 1. In obtaining verifications, DHS must tell the client what verification is required, how to obtain it, and the due date. BAM at p 2.

Pursuant to BEM 210, a caretaker is a legal parent or stepparent living in the home, or when no legal parent or stepparent lives in the home, another adult who acts as a parent to a dependent child by providing physical care and supervision. A dependent child is an unemancipated child who lives with a caretaker and is either under the age of

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18 or is age 18 or 19 and a full-time high school student expected to graduate before age 20. BEM 210 at p. 1. For FIP benefits only, children ages 18 or 19 must attend high school full time and be reasonably expected to graduate by age 20, as a condition of eligibility. BEM 245 at p. 1. A child is to be considered as still meeting school attendance requirements during official school vacations or periods of extended illness, unless there is an indication that they do not intend to return to school. BEM 245 at p. 2.

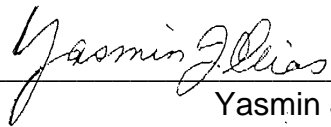
In the present case, DHS terminated Claimant's FIP and MA benefits based on the Claimant's disclosure made in May 2011 that her now 19 year old son was no longer attending school on a full-time basis. The Claimant indicated that her son had been taking on-line courses in the recent past, but acknowledged that her son was not attending school as of May 2011, and further conceded that it was uncertain whether he would be graduating before turning 20 years old on November 9, 2011. The Claimant's son, who testified as a witness for the Claimant, added that he would be seeking to re-enroll in school in the near future. The Claimant asserted that she needed MA benefits in order to treat various medical problems.

Based on the foregoing, there was no evidence presented on the record to establish that the DHS erred when it concluded that the Claimant no longer met the eligibility criteria for FIP and MA benefits. The Claimant may pursue MA coverage based on a disability, if she is able to establish that she meets the criteria for a disability finding.

### **DECISION AND ORDER**

The Administrative Law Judge, based on the above findings of fact and conclusions of law, finds:

The actions taken by DHS in terminating the Claimant's FIP and MA benefits are AFFIRMED.

  
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Yasmin J. Elias  
Administrative Law Judge  
For Maura Corrigan, Director  
Department of Human Services

Date Signed: July 15, 2011

Date Mailed: July 15, 2011

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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 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.

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