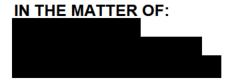
STATE OF MICHIGAN MICHIGAN ADMINISTRATIVE HEARING SYSTEM ADMINISTRATIVE HEARINGS FOR THE DEPARTMENT OF HUMAN SERVICES



Reg No.: 2012-38649

Issue No.: 2003

Case No.:

Hearing Date: June 28, 2012 Wayne County DHS (31)

ADMINISTRATIVE LAW JUDGE: Colleen M. Mamelka

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 conducted fr om Detroit, Michigan on Thur sday, June 28, 2012. The Claim ant appear ed and testified.

Department of Human Services ("Department").

<u>ISSUE</u>

Whether the Department properly terminated the Claimant's Low-Income Family ("LIF") Medical Assistance ("MA") benefits effective March 1, 2012?

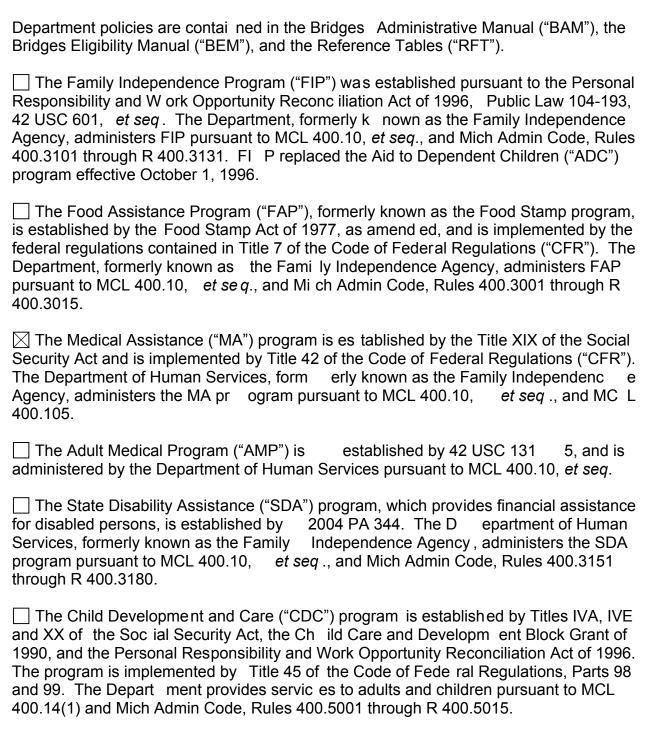
FINDINGS OF FACT

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

- 1. The Claimant was an MA recipient under the LIF program.
- 2. The Claimant's son turned 18 years old on
- 3. The Claimant's son resides with the Claimant and attends an alternative education program on a full-time basis.
- 4. The Claimant's son is expected to graduate before the age of 20.
- 5. On January 30, 2012, the Department sent a Notice of Case Action informing the Claimant that her LIF benefits would terminate effective March 1, 2012.(Exhibit 1)

6. On March 1, 2012, the Department re ceived the Claimant's written request for hearing.

CONCLUSIONS OF LAW



MA is available to parents and other caretaker relatives who meet the eligibility factors. BEM 135. A caretak er relative is a person who (in part) lives with a dependent child. BEM 135. A dependent child meets the age and school attendance requirement when the child is under age 18 or, is age 18 or 19 and a full-time student in a high school and

expected to graduate before age 20. BEM 110. High school means a course of study leading to the attainment of a high school diplom a or its equivalent. BEM 110. Alternative education meets the definition of high school equivalency. BEM 110.

In this case, the Claimant received MA be nefits under the LIF program. On the Claimant's son turned 18. As a result, the Department issued a Notice of Case Action informing the Claimant that her LIF benefits would terminate effective March 1, 2012 because she was not blind/disabled, "under 21, pregnant, or a caretaker of a minor child in your home." The Claim ant's son is (and was) a full-time student under an alternative education program and is expected to graduate before age 20. Pursuant to policy, the Claim ant is the parent/caretaker of a dependent child thus still eligible under the LIF program. In light of the foregoing, it is found that the Department's termination of benefits is not upheld.

DECISION AND ORDER

The Administrative Law Judge, based on the above Findings of Fact and Conclusions of Law, and for the reasons stated on the record, finds the Department failed to establish it acted in accordance with depa rtment policy when it terminated the Claimant's LIF benefits effective March 1, 2012.

THE DEPARTMENT IS ORDERED TO DO THE FOLLOWING WITHIN 10 DAYS OF THE DATE OF MAILING OF THIS DECISION AND ORDER:

- 1. The Department's LIF determination is REVERSED.
- 2. The Depar tment shall reopen the Claimant's MA benef its under the LIF program effective March 1, 2012, based on her status of a parent/caretaker of a dependent child pr ovided all other cr iteria are met in accordance with department policy.
- 3. The Department shall supplement for lo st benefits (if any) that the Claimant was entitled to receiv e if otherwise elig ible and qualified in acc ordance with department policy.

Colleen M. Mamelka
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Collein M. Mamilka

Date Signed: July 9, 2012

Date Mailed: July 9, 2012

NOTICE: Michigan Administrative Hearing Syst em (MAHS) may order a rehearing or reconsideration on either its own motion or at the request of a par ty within 30 days of the mailing date of this Dec ision and Order. MAHS will not or der a rehearing or

reconsideration on the Department's mo tion where the final decis ion cannot be implemented within 90 days of the filing of the original request. (60 days for FAP cases)

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 ti mely request for rehearing was made, within 30 days of the receipt date of the rehearing decision.

Claimant may request a rehearing or reconsideration for the following reasons:

- A rehearing <u>MAY</u> be granted if there is newly discovered evidence that could affect the outcome of the original hearing decision.
- A reconsideration <u>MAY</u> be granted for any of the following reasons:
 - misapplication of manual policy or law in the hearing decision,
 - typographical errors, mathematical error, or other obvious errors in the hearing decision that effect the substantial rights of the claimant:
 - the failure of the ALJ to address other relevant issues in the hearing decision.

Request must be submitted through the local DHS office or directly to MAHS by mail at Michigan Administrative Hearings

Re consideration/Rehearing Request P. O. Box 30639 Lansing, Michigan 48909-07322

CMM/cl

