

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

IN THE MATTER OF:

[REDACTED]

Reg No.: 2012-47836
Issue No.: 2015
Case No.: [REDACTED]
Hearing Date: August 23, 2012
Wayne County DHS (15)

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 from Detroit, Michigan on Thursday, August 23, 2012. The Claimant appeared and testified. Participating on behalf of the Department of Human Services ("Department") was [REDACTED].

ISSUE

Whether the Department properly terminated the Claimant's Medical Assistance ("MA") under the Low Income Family ("LIF") program?

FINDINGS OF FACT

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

1. The Claimant was a MA recipient under the LIF program.
2. On [REDACTED], the Claimant's child turned 18 years of age.
3. At that time, the Claimant's child was attending high school on a full-time basis.
4. The Department sent a Notice of Case Action informing her that her MA benefits would terminate effective May 1, 2012.
5. On April 16, 2012, the Department received the Claimant's timely written request for hearing.

6. On April 30, 2012, the Claimant's MA benefits under the LIF program terminated based on the child turning 18 years of age.

CONCLUSIONS OF LAW

The Medical Assistance ("MA") program is established by Subchapter XIX of Chapter 7 of The Public Health & Welfare Act, 42 USC 1397, and is administered by the Department of Human Services, formally known as the Family Independence Agency, 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 Bridges Reference Manual ("BRM"). The Adult Medical Program ("AMP"), the Low Income Family ("LIF"), and the Medicaid based on having a minor child(ren) in the home ("MA-N"), are part of the MA program. BEM 640; BEM 110; BEM 113.

For purposes of the LIF program, a dependent child meets the age and school attendance requirement when the child is under age 18 or, is age 18 and a full-time student in a high school and expected to graduate before age 20. BEM 110, p. 5 (January 2011).

In this case, the Claimant received MA benefits under the LIF program. In March 2012, the Department closed the Claimant's case for closure based on the fact that the Claimant's child turned 18 years of age. There was no inquiry of whether the child was a full-time high school student who was expected to graduate before the age of 20. The Claimant testified that, at the time of termination, the Claimant's child was attending high school full-time. In light of the foregoing, it is found that the Department failed to establish it acted in accordance with Department policy when it terminated the Claimant's MA case under the LIF program. Accordingly, the Department's termination is not upheld.

DECISION AND ORDER

The Administrative Law Judge, based on the above findings of fact and conclusions of law finds the Department failed to establish it acted in accordance with Department policy when it terminated the Claimant's MA benefits under the LIF program.

Accordingly, it is ORDERED:

1. The Department's actions are not upheld.
2. The Department shall activate MA coverage under the LIF program from the date of closure in accordance with Department policy.

2012-47836/CMM

3. The Department shall supplement for lost benefits (if any) that the Claimant was entitled to receive if otherwise eligible and qualified in accordance with Department policy.

Colleen M. Mamelka

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

Date Signed: September 7, 2012

Date Mailed: September 7, 2012

NOTICE: Michigan Administrative Hearing System (MAHS) 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. MAHS 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. (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 timely 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 **MAY** be granted if there is newly discovered evidence that could affect the outcome of the original hearing decision.
- A reconsideration **MAY** 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
Reconsideration/Rehearing Request
P. O. Box 30639
Lansing, Michigan 48909-07322

2012-47836/CMM

CMM/cl

cc:

[REDACTED]

Wayne County DHS (15)/DHS-1843

[REDACTED]