

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 201313186
Issue No.: 2015
Case No.: [REDACTED]
Hearing Date: February 6, 2013
County: Wayne DHS (57)

ADMINISTRATIVE LAW JUDGE: Christian Gardocki

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37 following Claimant's request for a hearing. After due notice, a telephone hearing was held on February 6, 2013, from Detroit, Michigan. Participants included the above-named claimant. Participants on behalf of Department of Human Services (DHS) included [REDACTED], Specialist.

ISSUE

The issue is whether DHS properly failed to evaluate Claimant's eligibility for Medical Assistance (MA) benefits due to Claimant not meeting an eligible MA benefit category.

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 MA benefit recipient through either Low-Income Family (LIF) or Group 2 Caretaker (G2C) MA.
2. On an unspecified date, DHS terminated Claimant's MA benefit eligibility effective 5/2012, due to an alleged failure by Claimant to verify information.
3. DHS later conceded that the MA benefit termination was improper and promised to reinstate Claimant's MA benefit eligibility.
4. As of 6/2012, Claimant no longer qualified for MA benefits through LIF or G2C because her child was no longer a "dependent child".

5. DHS failed to reinstate Claimant's eligibility because Claimant no longer met an eligible category for MA benefits.
6. On 9/24/12, Claimant requested a hearing to dispute the DHS failure to reinstate her MA benefit eligibility effective 5/2012.
7. Claimant also requested a hearing concerning a Food Assistance Program (FAP) benefit termination.
8. On an unspecified date, DHS reinstated Claimant's FAP benefit eligibility and Claimant no longer has a FAP benefit dispute.

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). DHS 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 Reference Tables Manual (RFT).

The Medicaid program is comprised of several sub-programs which fall under one of two categories; one category is FIP-related and the second category is SSI-related. BEM 105 at 1. To receive MA under an SSI-related category, the person must be aged (65 or older), blind, disabled, entitled to Medicare or formerly blind or disabled. *Id.* 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. *Id.* It was not disputed that Claimant is only potentially eligible for FIP-related MA for being a caretaker. Two potential FIP-Related MA programs for which Claimant could be eligible are Low Income Family (LIF) and Group Two Caretaker (G2C).


To be eligible for LIF or G2C eligibility, there must be a dependent child. For purposes of LIF eligibility, a dependent child is defined as a person who lives with his parent(s), or other specified relative who acts as his parent, and is under age 18, or age 18 or 19 and a full-time high school student who is expected to graduate before age 20. BEM 110 (1/2011), p. 4. For purposes of G2C eligibility, a dependent child is defined as under age 18, or, age 18 and a full-time student in a high school or in the equivalent level of vocational or technical training as defined in FIP policy in BEM 245. BEM 135 (1/2011), p. 3. He must be expected to complete his educational or training program before age 19. *Id.*

At the time that MA benefit eligibility was disputed, 6/2012, presumably, Claimant's child met the definition of a dependent child. At the time of hearing, Claimant was the parent of a 19 year old child who attended college. It is presumed that Claimant's child graduated high school no later than 6/2012 and ceased meeting the definition of a dependent child no later than 6/2012. It is possible that Claimant would be eligible for

some type of MA benefit eligibility for 5/2012 and/or 6/2012 if her child met the definition of dependent child for one or both months; it would depend on Claimant's child's age and school status. Claimant's dispute was focused on her ongoing MA benefit eligibility, not her past eligibility. Claimant did not allege any need for MA benefits from 5/2012 or 6/2012 or that her child met the definition of "dependent child" for either of those months. Based on the presented evidence, DHS properly did not reinstate Claimant's MA eligibility because Claimant no longer met any eligible categories to receive MA benefits.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that DHS properly did not evaluate Claimant for MA benefits because Claimant does not qualify for any category of MA benefits. The actions taken by DHS are AFFIRMED.


Christian Gardocki
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: February 12, 2013

Date Mailed: February 12, 2013

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.

201313186/CG

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

CG/hw

cc:

