

2. On January 15, 2013, the Department
 denied Claimant's application closed Claimant's case
due to her not having children under the age of 18, not being 65 years of age and
not being disabled.
3. On January 16, 2013, the Department sent
 Claimant Claimant's Authorized Representative (AR)
notice of the denial. closure.
4. On January 9, 2013, Claimant filed a hearing request, protesting the
 denial of the application. closure of the case.

CONCLUSIONS OF LAW

Department policies are contained in the Department of Human Services Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM), and the Reference Tables Manual (RFT).

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.

Additionally, Claimant submitted an application for MA on June 14, 2012, retroactive to May 2012. (Exhibit 1). For an unexplained reason, the Department did not process Claimant's MA application until January 15, 2013, at which point it was denied. At the hearing, the Department testified that Claimant's application was denied because she did not have any children under the age of 18, she was not 65 or older and because she was not disabled. The Department sent Claimant a Quick Note on January 16, 2013 informing her of the denial. (Exhibit 2).

In this case, Claimant contends that the Department should have approved her MA application because she was eligible for MA under the Group 2 caretaker relatives program. According to BEM 135, MA is available to parents and other caretaker relatives who meet certain eligibility factors. A dependent child must live with a parent, except for temporary absences, in order to be eligible. BEM 135 (January 2011), p. 1. A child must meet the following age or age and school attendance requirements in order to be considered dependent for MA purposes: he must be under age 18; or he must be age 18 and a full time student in a high school or in the equivalent level of vocational or technical training as defined in BEM 245. He must be expected to complete his educational or training program before age 19. BEM 135, p.3; BEM 245 (October 2011).

At the hearing, Claimant testified that on her application, she indicated that she had a daughter who was 18 years old and a full-time high school student. (Exhibit 1). Although Claimant's daughter graduated high school in the same month as the application was

submitted, she met the criteria for being a dependent child for MA purposes at the time of her application. She was 18 years old and completed high school before age 19. BEM 135, p.3. Because Claimant informed the Department that she was the caretaker of a dependent child, the Department should have processed her application and determined her eligibility accordingly. As such, the Department did not act in accordance with Department policy when it denied Claimant's application and found her ineligible for MA.

Based upon the above Findings of Fact and Conclusions of Law, and for the reasons stated on the record, the Administrative Law Judge concludes that the Department

properly denied Claimant's application improperly denied Claimant's application
 properly closed Claimant's case improperly closed Claimant's case

for: AMP FIP FAP MA SDA CDC.

DECISION AND ORDER

The Administrative Law Judge, based upon the above Findings of Fact and Conclusions of Law, and for the reasons stated on the record, finds that the Department
 did act properly. did not act properly.

Accordingly, the Department's AMP FIP FAP MA SDA CDC decision is AFFIRMED REVERSED for the reasons stated on the record.

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

1. Reregister the June 14, 2012 MA application for MA coverage retroactive to May 2012;
2. Begin reprocessing the application for June 14, 2012, ongoing in accordance with Department policy and consistent with this Hearing Decision;
3. Begin issuing supplements to Claimant for any MA coverage that she was entitled to receive but did not from May 2012 ongoing in accordance with Department policy; and

4. Notify Claimant of its decision in writing in accordance with Department policy.



Zainab Baydoun
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: June 3, 2013

Date Mailed: June 3, 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 affect the substantial rights of the claimant:
 - 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

ZB/cl

cc:

