

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

IN THE MATTER OF:



Reg. No.: 2013-51608
Issue No.: 2015
Case No.: [REDACTED]
Hearing Date: July 3, 2013
County: Oakland DHS (02)

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 July 3, 2013, from Detroit, Michigan. Participants included the above-named Claimant. Participants on behalf of the Department of Human Services (DHS) included [REDACTED], Specialist.

ISSUE

The issue is whether DHS properly terminated Claimant's Medical Assistance (MA) eligibility based on Claimant's caretaker status.

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 ongoing MA and Food Assistance Program (FAP) benefit recipient.
2. Claimant's MA eligibility was through the Group 2 Caretaker (G2C) category.
3. Claimant reported to DHS that she is the biological mother to an 18 year who will complete high school in 2014.
4. On 5/22/13, DHS terminated Claimant's MA eligibility, effective 7/2013, due to Claimant no longer being an eligible caretaker.

5. On 6/5/13, Claimant requested a hearing to dispute the MA benefit termination and a FAP determination, effective 6/2013.
6. Claimant testified that she no longer has a FAP benefit dispute.

CONCLUSIONS OF LAW

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. DHS regulations are found in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Reference Tables Manual (RFT).

Claimant requested a hearing, in part to dispute an MA benefit termination. It was not disputed that the termination was based on Claimant's failure to meet any eligible MA categories.

Clients may qualify under more than one MA category. BEM 105 (10/2010), p. 2. Federal law gives them the right to the most beneficial category. *Id.* The most beneficial category is the one that results in eligibility or the least amount of excess income. *Id.* It was not disputed that Claimant's only potential MA eligibility was based on her status as a foster parent and/or caretaker status to her biological child. For purposes of this decision, only MA eligibility as a caretaker will be considered.

It was not disputed that DHS terminated Claimant's MA benefit eligibility because Claimant's biological child turned 18 years old and was no longer considered a dependent child. DHS has multiple dependent child requirements. Among the requirements, the child must meet the following age or age and school attendance requirement:

- He/she must be under age 18; or
- He/she 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 FIP policy in BEM 245. He must be expected to complete his educational or training program before age 19.

Claimant contended that her son was 18 years old, a full-time high school student who was expected to graduate in 2014, prior to turning 19 years old. DHS conceded that the termination was solely based on Claimant's son turning 18 years old. Based on the above policy, DHS failed to consider Claimant's continued G2C eligibility based on Claimant's 18 year old son completing high school prior to his 19th birthday. Accordingly, the MA benefit termination was improper.

It should be noted that Claimant testified that her son met the above requirements for dependent child. Claimant did not verify the above requirements. Thus, DHS will be

ordered to evaluate Claimant's G2C eligibility rather than to approve MA benefit eligibility.

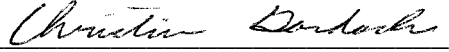
DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that Claimant withdrew her dispute concerning a FAP benefit determination, effective 6/2013. Claimant's hearing request is PARTIALLY DISMISSED.

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that DHS improperly terminated Claimant's MA benefit eligibility. It is ordered that DHS:

- (1) reinstate Claimant's MA benefit eligibility, effective 6/2013;
- (2) process Claimant's eligibility subject to the finding that Claimant is potentially eligible for G2C as a caretaker to an 18 year old child, in high school, expected to graduate prior to age 19.

The actions taken by DHS are REVERSED.


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

Date Signed: 7/12/2013

Date Mailed: 7/12/2013

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 affect the substantial rights of the claimant,
 - failure of the ALJ to address other relevant issues in the hearing decision.

2013-51608/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:

