

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

**IN THE MATTER OF:**

[REDACTED]

Reg. No.: 20141946  
Issue No(s): 1001, 2014  
Case No.: [REDACTED]  
Hearing Date: November 21, 2013  
County: Kalamazoo

**ADMINISTRATIVE LAW JUDGE:** Darryl T. Johnson

**HEARING DECISION**

Following Claimant's request for a hearing, this matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and 400.37; 7 CFR 273.15 to 273.18; 42 CFR 431.200 to 431.250; 45 CFR 99.1 to 99.33; and 45 CFR 205.10. After due notice, a telephone hearing was held on November 21, 2013, from Lansing, Michigan. Participants on behalf of Claimant included the Claimant, [REDACTED]. Participants on behalf of the Department of Human Services (Department) included [REDACTED], Case Manager.

**ISSUE**

Did the Department properly terminate Claimant's Family Independence Program (FIP) and Medical Assistance (MA) benefits?

**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 receiving FIP and MA benefits based upon the fact that her son, who was under age 18 and still enrolled in high school, was living with her.
2. Claimant's son graduated from high school in June 2013, and turned 18 on [REDACTED].
3. Claimant's monthly FIP allotment of [REDACTED] and MA benefits were terminated effective October 1, 2013.
4. The Medical Review Team (MRT) is reviewing Claimant's application to determine whether she is disabled and therefore eligible for other MA benefits under the SDA program.

## **CONCLUSIONS OF LAW**

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

The Family Independence Program (FIP) was established pursuant to the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, PL 104-193, and 42 USC 601 to 679c. The Department (formerly known as the Family Independence Agency) administers FIP pursuant to MCL 400.10 and 400.57a and Mich Admin Code, R 400.3101 to .3131.

The Medical Assistance (MA) program is established by the Title XIX of the Social Security Act, 42 USC 1396-1396w-5, and is implemented by 42 CFR 400.200 to 1008.59. The Department of Human Services (formerly known as the Family Independence Agency) administers the MA program pursuant to MCL 400.10 and MCL 400.105.

BEM 210 mandates that a “group” for purposes of FIP eligibility “must include a dependent child who lives with a legal parent, stepparent, or other qualifying caretaker.” “A dependent child is an un-emancipated child who lives with the caretaker and is one of the following: under age 18; age 18 and a full-time high school student.”

BEM 110 states, “Families no longer eligible for FIP may continue eligibility for Medicaid under LIF (Low-Income Family). Always consider LIF first, before determining eligibility for other categories.” “There are some situations in which group composition for FIP and LIF differ. Be sure to check LIF group composition when . . . A child has been excluded from the FIP group because the child is emancipated, but the child lives with the group 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.” Medicaid is available only “to families that meet the nonfinancial and financial eligibility requirements” in BEM 110.


It is noted that the Department did not include in the packet of documents submitted for the hearing a Notice of Case Action (DHS-1605) that provides the pertinent dates and changes in benefits. Therefore, in making a decision, the Administrative Law Judge must infer from the testimony, the Hearing Summary, and the Claimant’s Hearing Request, the decisions that are to be decided.

The parties do not dispute that Claimant’s child has reached age 18 and has graduated high school. Claimant has no other children at home that would permit her to qualify as a group for purposes of FIP eligibility. Consequently, her family does not meet the non-financial eligibility requirements for Medicaid.

The, Administrative Law Judge, based on the above Findings of Fact and Conclusions of Law, and for the reasons stated on the record, if any, finds that the Department acted in accordance with Department policy when it terminated Claimant's FIP and Medicaid.

**DECISION AND ORDER**

Accordingly, the Department's decision is **AFFIRMED**.

  
**Darryl T. Johnson**  
Administrative Law Judge  
for Maura Corrigan, Director  
Department of Human Services

Date Signed: November 26, 2013

Date Mailed: November 27, 2013

**NOTICE OF APPEAL:** 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 or Reconsideration was made, within 30 days of the receipt date of the Decision and Order of Reconsideration or Rehearing Decision.

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).

A Request for Rehearing or Reconsideration may be granted when one of the following exists:

- Newly discovered evidence that existed at the time of the original hearing that could affect the outcome of the original hearing decision;
- Misapplication of manual policy or law in the hearing decision which led to a wrong conclusion;
- Typographical, mathematical or other obvious error in the hearing decision that affects the rights of the client;
- Failure of the ALJ to address in the hearing decision relevant issues raised in the hearing request.

The Department, AHR or the claimant must specify all reasons for the request. MAHS will not review any response to a request for rehearing/reconsideration. A request must be *received* in MAHS within 30 days of the date the hearing decision is mailed.

The written request must be faxed to (517) 335-6088 and be labeled as follows:

Attention: MAHS Rehearing/Reconsideration Request

20141946/DTJ

If submitted by mail, the written request must be addressed as follows:

Michigan Administrative Hearings  
Reconsideration/Rehearing Request  
P.O. Box 30639  
Lansing, Michigan 48909-07322

DTJ/aca

cc:

