

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

IN THE MATTER OF:

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████████████████████

Reg. No.: 2013-32822
Issue No.: 2018
Case No.: ██████████
Hearing Date: July 10, 2013
County: Wayne (31)

ADMINISTRATIVE LAW JUDGE: Zainab Baydoun

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 10, 2013, from Detroit, Michigan. Claimant and her Authorized Hearing ██████████, appeared and testified. Participating on behalf of the Department of Human Services (Department) was ██████████ Family Independence Manager.

ISSUE

Did the Department properly process Claimant's Medical Assistance (MA) case?

FINDINGS OF FACT

The Administrative Law Judge, based upon the competent, material, and substantial evidence on the whole record, including testimony of witnesses, finds as material fact:

1. Claimant was an ongoing recipient of MA under the Group 2 Caretaker program.
2. Claimant's MA case closed effective October 2012.
3. The Department sent Claimant notice of the closure on January 14, 2013.
4. On January 23, 2013, Claimant filed a hearing request disputing the Department's actions.

CONCLUSIONS OF LAW

Department policies are found 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, 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, the Department testified that Claimant's MA case closed effective October 2012 because Claimant's daughter reached age 18 on September 5, 2012. The Department did not present any evidence other than a Hearing Summary in support of its case. Although Claimant confirmed that her daughter turned 18 in September 2012, she also testified that her daughter is still enrolled in a special education high school and that she may be graduating in August 2013 or September 2013, before she turns 19. Pursuant to BEM 135, the Department did not act in accordance with Department policy when it closed Claimant's MA case on the basis that her child was no longer considered dependent for MA purposes, as she was still enrolled in high school and had not reached age 19.

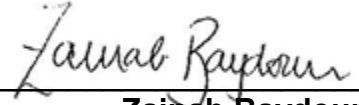
DECISION AND ORDER

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 not act in accordance with Department policy when it closed Claimant's MA case on the basis that her child was no longer considered a dependent for MA purposes. Accordingly, the Department's actions are REVERSED.

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

1. Reinstate Claimant's MA case effective October 1, 2012;

2. Begin issuing retroactive MA coverage to Claimant for any MA coverage that she was entitled to receive but did not from October 1, 2012 ongoing in accordance with Department policy; and
3. 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: August 2, 2013

Date Mailed: August 2, 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

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