

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 2013-33579
Issue No.: 2015
Case No.: [REDACTED]
Hearing Date: August 26, 2013
County: Macomb (50-12)

ADMINISTRATIVE LAW JUDGE: Alice C. Elkin

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 August 26, 2013, from Detroit, Michigan. Participants on behalf of Claimant included [REDACTED]

[REDACTED] Participants on behalf of the Department of Human Services (Department) included [REDACTED]

ISSUE

Did the Department properly deny Claimant's eligibility for Medical Assistance (MA) coverage under the Group 2 Caretaker (G2C) program for April 2011?

FINDINGS OF FACT

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

1. On May 18, 2011, Claimant filed an MA application with a request for retroactive coverage to April 2011.
2. The Department subsequently had a help desk ticket issued to determine Claimant's MA eligibility under the G2C program for April 2011.
3. On January 31, 2013, Claimant's AHR filed a hearing request asking that the Department complete processing its help desk ticket concerning Claimant's eligibility for MA coverage under the G2C program effective April 2011.

CONCLUSIONS OF LAW

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

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.

In the present case, Claimant requested a hearing to dispute the Department's failure to process a help desk ticket. The help desk ticket was issued to determine Claimant's eligibility for MA coverage under the G2C program for April 2011.

At the hearing, the Department testified that, in connection with resolving the help desk ticket, it determined that Claimant's daughter was 19 years old, making Claimant ineligible for G2C coverage unless Claimant or his AHR provided proof that the child was enrolled full-time in high school and expected to graduate before the age of 20.

A review of Department policy shows that the Department misapplied the applicable policy. BEM 135 provides that a dependent child for purposes of G2C coverage is a child who is either (i) under age 18 or (ii) age 18 and a full-time student in a high school or in the equivalent level of vocational or technical training and expected to complete his educational or training program before age 19. BEM 135 (January 2011), p. 3. Both the Department and the AHR agreed that Claimant's daughter's birthdate was [REDACTED]. Contrary to both parties' conclusion on the record that the child was 19 as of April 2011, the child was only 18 years old as of April 2011, the month Claimant's MA eligibility was considered. Thus, Claimant would be eligible to receive MA coverage if his child was a full-time high school student expected to graduate before her 19th birthday.

At the hearing, the AHR testified that it was prepared to provide verification that Claimant's daughter was enrolled full-time in high school as of April 2011. Consequently, the Department agreed that it would activate Claimant's MA coverage under the G2C program upon verification of the daughter's high school status.

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 denied Claimant's MA eligibility under the G2C program for April 2011.

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 May 18, 2011, MA application, with request for retroactive MA to April 2011;
2. Begin reprocessing Claimant's MA eligibility for April 2011 by sending the AHR and Claimant a verification checklist seeking verification of Claimant's daughter's full-time high school enrollment as of April 2011;
3. Activate Claimant's MA coverage under the G2C program, provided that Claimant or the AHR timely respond to the VCL in accordance with Department policy; and
4. Notify Claimant and the AHR in writing of the Department's decision in accordance with Department policy.



Alice C. Elkin
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: August 27, 2013

Date Mailed: August 27, 2013

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

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.

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

Attention: MAHS Rehearing/Reconsideration Request

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

ACE/pf

cc:

