

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 201353261
Issue No.: 3000, 2015
Case No.: [REDACTED]
Hearing Date: July 17, 2013
County: Wayne DHS (19)

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 17, 2013, from Detroit, Michigan. Participants included the above-named Claimant. [REDACTED], Claimant's daughter, testified on behalf of Claimant. Participants on behalf of the Department of Human Services (DHS) included [REDACTED], Manager, and [REDACTED] Specialist.

ISSUE

The issue is whether DHS properly terminated Claimant's daughter's Medical Assistance (MA) eligibility due to the daughter not meeting any eligible categories.

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 Food Assistance Program (FAP) benefit recipient.
2. Claimant's daughter was an ongoing Medicaid recipient, eligible for Medicaid Group 2- under 21 years (G2U).
3. In 2/2013, Claimant's daughter turned 21 years old.
4. On an unspecified date, DHS terminated Claimant's daughter's Medicaid eligibility, effective 5/2013, due to the daughter not meeting any eligible Medicaid categories.

5. On 6/10/13, DHS determined Claimant's FAP eligibility, effective 7/2013, in part, based on a group composition which excluded one of Claimant's children.
6. On 6/17/13, Claimant requested a hearing to dispute a failure by DHS to include one of her children in a FAP benefit determination and to dispute a termination of MA eligibility for her 21 year old daughter.
7. On an unspecified date after 6/17/13, DHS re-determined Claimant's FAP eligibility and included the child in the FAP determination.
8. Claimant testified that she is satisfied with the change in FAP eligibility and has no dispute concerning that issue.

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 a termination of MA benefits for her daughter. It was not disputed that Claimant's daughter was cut-off after she turned 21 years old.

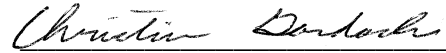
The Medicaid program is comprised of several sub-programs which fall under one of two categories; one category is FIP-related and the second category is SSI-related. BEM 105 (10/2010), p. 1. To receive MA under an SSI-related category, the person must be aged (65 or older), blind, disabled, entitled to Medicare or formerly blind or disabled. *Id.* Families with dependent children, caretaker relatives of dependent children, persons under age 21 and pregnant, or recently pregnant, women receive MA under FIP-related categories. *Id.*

Claimant testified that her daughter suffers migraine headaches and implied that she was disabled. Claimant's daughter conceded that she was capable of working full-time despite her headaches. If Claimant's daughter is capable of working full-time, she is not disabled. Claimant's daughter failed to meet any of the other eligible categories for Medicaid. Accordingly, DHS properly terminated Claimant's daughter's Medicaid eligibility due to her not meeting any of the eligible categories.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that DHS resolved Claimant's dispute concerning FAP eligibility. 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 properly terminated Claimant's daughter's Medicaid eligibility, effective 5/2013. The actions taken by DHS are AFFIRMED.



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

Date Signed: 7/25/2013

Date Mailed: 7/25/2013

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

CG/hw

cc:

