

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

IN THE MATTER OF:

██████████
██████████
██████████

Reg. No.: 14-010210
Issue No.: 1000;2001
Case No.: ██████████
Hearing Date: October 15, 2014
County: WAYNE-DISTRICT 41

ADMINISTRATIVE LAW JUDGE: Zainab Baydoun

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 October 15, 2014, from Detroit, Michigan. Participants on behalf of Claimant included Claimant. Participants on behalf of the Department of Human Services (Department) included ██████████, Hearings Liaison.

ISSUE

Did the Department properly process 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 an ongoing recipient of FIP and MA benefits.
2. Claimant sought deferral from participation in the PATH program for FIP purposes.
3. On August 6, 2014, the Department sent Claimant a Health Care Coverage Determination Notice informing her that effective September 1, 2014, she and her husband were no longer eligible for MA benefits on the basis that they were not 21, pregnant, or a caretaker of a minor child, not aged, blind or disabled. (Exhibit 1)
4. On August 13, 2014, Claimant requested a hearing disputing the Department's actions.

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).

FIP

The Family Independence Program (FIP) was established pursuant to the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, Pub. L. No. 104-193, and 42 USC 601 to 679c. The Department (formerly known as the Family Independence Agency) administers FIP pursuant to 45 CFR 233-260, MCL 400.10, the Social Welfare Act, MCL 400.1-.119b, and Mich Admin Code, R 400.3101 to .3131.

The hearing was requested to dispute the Department's action taken with respect to Claimant's FIP benefits. Shortly after commencement of the hearing, Claimant testified that she no longer had any issues to address with respect to her FIP benefits, as she was receiving the correct amount of FIP benefits. Claimant confirmed that she did not wish to proceed with the hearing concerning FIP. The Request for Hearing was withdrawn. The Department agreed to the dismissal of the hearing request.

MA

The Medical Assistance (MA) program is established by Title XIX of the Social Security Act, 42 USC 1396-1396w-5; 42 USC 1315; the Affordable Care Act of 2010, the collective term for the Patient Protection and Affordable Care Act, Pub. L. No. 111-148, as amended by the Health Care and Education Reconciliation Act of 2010, Pub. L. No. 111-152; and 42 CFR 430.10-.25. The Department (formerly known as the Family Independence Agency) administers the MA program pursuant to 42 CFR 435, MCL 400.10, and MCL 400.105-.112k.

BEM 105 provides that persons may qualify under more than one MA category and federal law gives persons the right to the most beneficial category which is considered the category that results in eligibility or the least amount of excess income. BEM 105 (October 2014), p.3. The Department must consider all the MA category options in order for the client's right of choice to be meaningful. BEM 105, p.3.

Claimant submitted a hearing request disputing the Department's actions with respect to MA benefits for herself and her husband. On August 6, 2014, the Department sent Claimant a Health Care Coverage Determination Notice informing her that effective September 1, 2014, she and her husband were no longer eligible for MA benefits on the basis that they were not 21, pregnant, or a caretaker of a minor child, not aged, blind or disabled. (Exhibit 1).

The Department presented an eligibility summary detailing Claimant and her husband's eligibility for MA and the type of MA coverage each was receiving. (Exhibit 4). The

Department also presented a Health Care Coverage Determination Notice dated August 16, 2014, which informed Claimant that she was now approved for MA effective September 1, 2014 and that her husband was eligible for MA from June 1, 2014, ongoing. (Exhibit 2). The Department then sent Claimant a third Health Care Coverage Determination Notice on August 21, 2014, informing her that she and her husband were ineligible for MA effective October 1, 2014, on the basis that they were not 21, pregnant, or a caretaker of a minor child, not aged, blind or disabled. (Exhibit 3).

At the hearing, the Department did not present any evidence to support its decision to terminate MA benefits for Claimant and her husband effective September 1, 2014. The Department remained unable to explain why Claimant and her husband were no longer eligible for MA, as it was established that Claimant had given birth in June 2014 and that she and her husband were both the caretakers of minor children.

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 failed to satisfy its burden of showing that it acted in accordance with Department policy when it processed Claimant's MA benefits.

DECISION AND ORDER

Accordingly, the hearing request with respect to FIP is DISMISSED and the Department's MA decision is REVERSED.

THE DEPARTMENT IS ORDERED TO BEGIN DOING THE FOLLOWING, IN ACCORDANCE WITH DEPARTMENT POLICY AND CONSISTENT WITH THIS HEARING DECISION, WITHIN 10 DAYS OF THE DATE OF MAILING OF THIS DECISION AND ORDER:

1. Reinstate Claimant's and her husband's MA case effective September 1, 2014;
2. Provide Claimant and her husband with MA coverage under the most beneficial program, from September 1, 2014, ongoing; and

Notify Claimant in writing of its decision.



Zainab Baydoun
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: **10/22/2014**
Date Mailed: **10/22/2014**
ZB / cl

CC: