

**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.: 2015-7
2013-51283 REHD/RECON
Issue No(s): 2001
Case No.: ██████████
Hearing Date: September 5, 2013
County: Clinton

ADMINISTRATIVE LAW JUDGE: Alice C. Elkin

DECISION AND ORDER OF RECONSIDERATION

This matter is before the undersigned Administrative Law Judge pursuant to the timely Request for Rehearing/Reconsideration submitted by L&S Associates, Claimant's authorized hearing representative (AHR), concerning the Hearing Decision generated by the assigned Administrative Law Judge at the conclusion of the hearing conducted on September 5, 2013, and mailed on September 12, 2013, in the above-captioned matter.

The Rehearing and Reconsideration process is governed by the Michigan Administrative Code, Rule 400.919, *et seq.*, and applicable policy provisions articulated in the Bridges Administrative Manual (BAM), specifically BAM 600 (October 2014), pp. 42-46, which provides that a rehearing or reconsideration must be filed in a timely manner consistent with the statutory requirements of the particular program that is the basis for the claimant's benefits application and may be granted so long as the reasons for which the request is made comply with the policy and statutory requirements.

This matter having been reviewed, an Order Granting Reconsideration was mailed on October 9, 2014.

ISSUE

Did the assigned Administrative Law Judge err in affirming the determination of the Department of Human Services (Department) that Claimant was ineligible for Medical Assistance (MA) benefits under the caretaker relative program?

FINDINGS OF FACT

Upon a review of the entire hearing record, including the recorded testimony and evidence admitted, in addition to a review of the applicable law and policy governing the issues in this matter, this Administrative Law Judge makes the following findings of fact:

1. The Findings of Fact Numbers 1 through 4 in the Hearing Decision under Registration Number 2013-51283 are incorporated by reference.
2. On September 5, 2013, a hearing was held resulting in a Hearing Decision mailed on September 12, 2013, that affirmed the Department's denial of MA benefits.
3. On September 26, 2013, the Michigan Administrative Hearing System (MAHS) received the AHR's timely Request for Rehearing/Reconsideration.
4. On October 9, 2014, the Request for Rehearing/Reconsideration was GRANTED.

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 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.

In this case, the Department issued two Notices of Case Action denying Claimant's application for MA, one on December 14, 2012, and another on January 2, 2013. The AHR did not dispute the January 2, 2013, decision denying Claimant's MA application on the basis that Claimant failed to provide verification of her disability. Rather, the AHR disputed the December 14, 2012, decision finding that Claimant was ineligible for MA because she was not a caretaker of a dependent child.

The evidence established that Claimant lived with her minor child and her living-together-partner (LTP), who is the father of the minor child. On October 1, 2012, Claimant applied for MA for herself, the child, and the LTP and for retroactive MA coverage to July 2012 for herself and the child. The Department testified that it denied Claimant's application for caretaker/relative MA coverage because the child's application was denied after the AHR failed to verify the LTP's income and assets.

The AHR's argues that (i) Claimant was a parent/caretaker of the child because the child was an MA applicant and (ii) verification of the LTP's income and assets was unnecessary to process Claimant's MA application because the LTP was not a member of Claimant's MA fiscal group.

FIP-related MA is available to families with dependent children, caretaker relatives of dependent children, persons under age 21 and pregnant, or recently pregnant, women. BEM 105 (October 2010), p. 1. In connection with processing the application for Claimant's, the child's, and the LTP's eligibility for FIP-related MA, the Department requested verification of the LTP's assets and income. As the AHR correctly asserts, the LTP, who was not married to Claimant, was not a part of Claimant's fiscal group. BEM 211 (October 2012), p. 5. Therefore, verification of the LTP's income and assets was not necessary to process Claimant's MA application. However, as the child's parent, the LTP was a member of the child's fiscal group for FIP-related MA purposes. BEM 211, p. 5. Therefore, verification of the LTP's income, at a minimum, was properly requested in order to process the child's MA eligibility. BEM 211, pp. 4, 5; BEM 536 (January 2010), pp. 1-5; BEM 131 (October 2010), p. 2.

In the December 14, 2012, Notice of Case Action, the Department advised Claimant that her child's MA application was denied because it never received verification of the LTP's income and assets. The AHR did not dispute that it received the October 26, 2012, Verification Checklist (VCL) requesting verification of the LTP's assets and income and that it did not provide these verifications. Therefore, the Department properly denied the child's MA based on failure to verify requested documentation.

The Department contends that, because the child was denied MA, Claimant was not an eligible caretaker relative for MA purposes. MA is available to parents and other caretaker relatives who meet the eligibility factors in BEM 135 (January 2011), p. 1. A caretaker relative includes a person who lives with, and is the parent of, a dependent child. BEM 135 (January 2011), p. 1.

The parties do not dispute that Claimant lived with, and was the parent of, the child at issue. At issue is whether the child meets the definition of "dependent child." To be a dependent child under BEM 135, the child must be a FIP recipient, an SSI recipient, an MA applicant, an MA recipient, a MIChild recipient, or an active MA deductible. BEM 135, pp. 2-3.

At the time Claimant applied for MA for herself and the child, the child was an MA applicant. The AHR argues that, because the child was an MA applicant, she was a dependent child, making Claimant the caretaker relative of a dependent child. However, the Department's definition of applicant provides, in relevant part, that a "person remains an applicant until the program is approved or denied." Bridges Policy Glossary (BPG) (October 2012), p. 3 (defining "applicant").

Therefore, when the Department denied the child MA coverage, the child was no longer an MA applicant. Because there was no evidence that the child met any of the other criteria for dependent child as defined in BEM 135, Claimant was not the parent of a dependent child as provided in BEM 135. Accordingly, Claimant was not eligible for MA coverage as the caretaker relative of the child.

The Administrative Law Judge, based on the above Findings of Fact and Conclusions of Law, finds that the Department acted in accordance with Department policy when it denied Claimant's application for MA caretaker relative coverage.

DECISION AND ORDER

In light of the foregoing, the Hearing Decision mailed on September 12, 2013, under Registration Number 2013-51283, that affirmed the Department's denial of MA benefits for caretaker relative coverage is AFFIRMED.



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

Date Signed: October 24, 2014

Date Mailed: October 27, 2014

NOTICE: The law provides that within 30 days of receipt of the this Decision, the Claimant may appeal it to the circuit court for the county in which he/she lives or the circuit court in Ingham County.

ACE/pf

cc: [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]