

STATE OF MICHIGAN
STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES

ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF: [REDACTED],
Claimant

Reg. No: 2009-24724
Issue No: 2026
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
March 10, 2010
Ingham County DHS

ADMINISTRATIVE LAW JUDGE: William A. Sundquist

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37 upon claimant's request for a hearing. After due notice, a telephone hearing was held on March 10, 2010.

ISSUE

Was non-financial eligibility per PEM 158, page 1, number 3 established?

FINDINGS OF FACT

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

(1) Negative case action: based on disabled adult children (DAC) was terminated on April 30, 2009 based on not meeting a non-financial eligibility requirement per BEM 150, page 1, number 3.

(2) The negative action above was based on DHS memo dated March 6, 2009 (Department Exhibit #1) which stated: not eligible for MA as a DAC because SSI stopped before July 1, 1987.

MA ONLY

(3) MA is available to a person receiving Disabled Adult Children's (DAC) (also called Childhood Disability Beneficiaries or CDBs) RSDI benefits under Section 202(d) of the Social Security Act if he or she:

- (1) Is age 18 or older, and
- (2) Receives SSI, and
- (3) Ceased to be eligible for SSI on or after July 1, 1987, because he/she became entitled to DAC RSDI benefits in Section 202(d) of the Act or an increase in such RSDI benefits; and
- (4) Is currently receiving DAC and RSDI benefits under Section 202(d) of the Act; and

NOTE: To receive DAC RSDI a person must have a disability or blindness that began before age 22.

- (5) Would be eligible for SSI without RSDI benefits:

The Social Security Administration notifies central office when SSI terminates for a person meeting the criteria in 1 to 4 above. Notification is via a code on State Data Exchange (SDX) tapes. Central Office sends a memo (see Exhibit #1) to the appropriate local office. See SSI TERMINATIONS in BEM 150. (BEM 158, page 1.)

CONCLUSIONS OF LAW

The Medical Assistance (MA) program is established by 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 (DHS or department) administers the MA program pursuant to MCL 400.10,

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et seq., and MCL 400.105. Department policies are found in the Program Administrative Manual (PAM), the Program Eligibility Manual (PEM) and the Program Reference Manual (PRM).

The facts above are undisputed.

The DHS introduced no evidence from SSA that the claimant no longer met the criteria in 1 through 4 above. Also, the DHS had no evidence that the claimant ceased to be eligible for SSI on or after July 1, 1987.

The ALJ is not persuaded by the preponderance of the evidence of record that the DHS has established the claimant's ineligibility under the above policy.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that non-financial eligibility per BEM 158, page 1, number 3 was not established.

Accordingly, Medicaid termination based on DAC is REVERSED, and reinstatement of eligibility is ORDERED within ten work days.

/s/ _____
William A. Sundquist
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: March 30, 2010

Date Mailed: March 31, 2010

NOTICE: Administrative Hearings 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. Administrative Hearings 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.

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.

WAS/tg

cc:

