

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.: 2010-6914
Issue No.: 2017/2027
Case No.: [REDACTED]
Load No.: [REDACTED]
Hearing Date:
January 20, 2010
Wayne County DHS (82)

ADMINISTRATIVE LAW JUDGE: Aaron McClintic

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37 upon the Claimant's request for a hearing. After due notice, a telephone hearing was held on January 20, 2010. The Claimant's mother [REDACTED], who is also his payee and guardian, appeared and testified for the Claimant. [REDACTED] FIM and [REDACTED] ES appeared on behalf of the Department.

ISSUE

Has the Department properly determined Claimant's Disabled Adult Child Medicaid and Medicare premium reimbursement benefits?

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 August 5, 2009 Claimant applied for Medicaid and Medicare premium reimbursement benefits.

- (2) Initially at application, Claimant was incorrectly determined to have Medicaid-G2S with a deductible due to a BRIDGES error.
- (3) On January 8, 2010, Claimant was put on Disabled Adult Child Medicaid retroactive to November 2009 with no deductible.
- (4) The Department acknowledged at hearing that Claimant should have been eligible for Disabled Adult Child Medicaid and Medicare premium reimbursement benefits at the time of application August 5, 2009.
- (5) Claimant requested hearing on November 2, 2009 contesting the determination of his MA benefits.

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 (formerly known as the Family Independence Agency) administers the MA program pursuant to MCL 400.10, *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).

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. Received SSI; and 3. Ceased to be eligible for SSI on or after July 1, 1987, because he became entitled to DAC RSDI benefits under section 202(d) of the Act or an increase in such RSDI benefits; and 4. Is currently receiving DAC 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 such RSDI benefits. BEM 158

Medicaid coverage includes Medicare cost-sharing benefits. This means Medicaid pays Medicare Part B premiums or Part A and B premiums, coinsurances and deductibles for certain Medicaid recipients. BAM 810

The regulations governing the hearing and appeal process for applicants and recipients of public assistance in Michigan are found in the Michigan Administrative Code (MAC) R 400.901-.951. Any hearing request which protests a denial, reduction, or termination of benefits must be filed within 90 days of the mailing of the negative action notice. MAC R 400.902; MAC R 400.903; MAC R 400.904.

Claimant's mother raised issue at hearing regarding determinations and closures that occurred prior to August 2009. It was explained at hearing that this Administrative Law Judge only had jurisdiction going back 90 days from the date of the hearing request and that issues prior to August 2009 could not be addressed. BAM 600

In the present case, the Department agreed that Claimant should have been eligible for Disabled Adult Child Medicaid as of September 1, 2009, the first month after the application was filed. The Department further agreed that Claimant was eligible for Medicare Premium reimbursements going back to the date of application. This ALJ finds that the Department has not acted in accordance with department policy and law in determining Medicaid and Medicare Premium reimbursement eligibility.

DECISION AND ORDER

Therefore it is ORDERED that the Department decision is REVERSED and Claimant's Adult Disabled Child Medicaid and Medicare premium reimbursement benefits should be reinstated and reprocessed going back to the original application date of August 5, 2009.



Aaron McClintic
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: 3/24/2010

Date Mailed: 3/24/2010

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 60 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.

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