

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

IN THE MATTER OF:

[REDACTED]

Reg. No: 201130264

Issue No: 2025

Case No: [REDACTED]

Load No: [REDACTED]

Hearing Date:

June 8, 2011

Macomb County DHS

ADMINISTRATIVE LAW JUDGE: Robert J. Chavez

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 hearing was held on June 8, 2011.

ISSUE

Was the claimant's request for DAC status properly denied?

FINDINGS OF FACT

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

- (1) Claimant is a MA recipient in Macomb County.
- (2) On March 15, 2010, claimant's social worker sent a request to the Department of Human Services for a review of claimant's eligibility for Disabled Adult Child (DAC) status.

- (3) On April 20, 2011, DHS completed their review of claimant's DAC eligibility, and denied, citing BEM 158 and the fact that claimant had never received SSI.
- (4) Claimant has never received SSI.
- (5) Claimant meets all other requirements for DAC eligibility.
- (6) On April 21, 2011, claimant requested a hearing regarding the denial of DAC eligibility, according to Department records.
- (7) Claimant was represented by [REDACTED]
[REDACTED]
[REDACTED].

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, *et seq.*, and MCL 400.105. Department policies are found in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Bridges Reference Manual (BRM) and Reference Tables (RFT).

MA is available under Group 1 classification to a person receiving DAC RSDI benefits under section 202(d) of the Social Security Act if he or she received SSI in the past. BEM 158.

By claimant's representative's own acknowledgement, claimant has never received SSI. At no point was it argued that claimant has received SSI, and the evidence of record shows that claimant has never received SSI. While the claimant

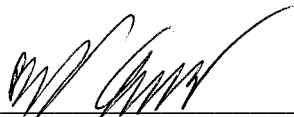
argues that claimant would have received SSI but for claimant being considered under another earnings record, the undersigned is unable to consider this argument. While claimant has a considerable point, the undersigned's jurisdiction only extends to a consideration as to whether or not the Department followed its own policy when they determined claimant's eligibility for the DAC program.

In the current case, the Department has followed policy. Claimant does not contest this fact, but instead, contests that the policy, as written, fails to consider claimant's circumstances. This may be true, but the fact remains that policy was followed. As such, the undersigned has no power to overturn such determinations.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that the Department was correct when it denied claimant DAC eligibility based on the request of March 15, 2010.

Accordingly, the Department's decision in the above stated matter is, hereby,
AFFIRMED.



Robert J. Chavez
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: 06/15/11

Date Mailed: 06/16/11

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 mailing 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.

RJC/dj

cc:

