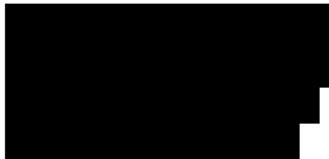


STATE OF MICHIGAN
MICHIGAN ADMINISTRATIVE HEARING SYSTEM
ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF:



Reg. No.: 2011-38426
Issue No.: 2009
Case No.: [REDACTED]
Hearing Date: July 28, 2011
DHS County: Wayne (35)

ADMINISTRATIVE LAW JUDGE: Michael J. Bennane

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9; MSA 16.409 and MCL 400.37; M SA 16.437 upon the claimant's request for a hearing. After due notice a telephone hearing was held in Detroit, Michigan on July 28, 2011. The claimant was represented by [REDACTED]

ISSUE

Did the Department of Human Services (Department) properly deny the claimant's classification as a Disabled Adult Child (DAC)?

FINDINGS OF FACT

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

1. The claimant is a MA recipient.
2. On September 15, 2010, the Department was sent a memo stating that the claimant is not a DAC. (Department exhibit 1).
3. On April 26, 2011, the claimant's [REDACTED] sent the Department a request for a hearing to decide the DAC issue.

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 Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Bridges Reference Manual (BRM).

In the instant case, the claimant states that [REDACTED] has been disabled since birth. She is blind, unable to walk and suffers from "chronic" mental illness.

The [REDACTED] further offers into the record a document from the Social Security Administration stating that the claimant is in fact a DAC. (Claimant's exhibit 1).

The Department denied the designation of DAC because the claimant never received SSI.

The claimant's mother registered her for RSDI upon the death of her father without ever having applied for SSI even though she obviously would have qualified.

MA Only

This is an SSI-related Group 1 MA category.

MA is available to a person receiving disabled adult children's (DAC) (also called Child hood Disability Beneficiaries' or CDBs') RSDI benefits under section 202(d) of the Social Security Act if he or she:

Is age 18 or older; and

Received SSI; and

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

Is currently receiving DAC RSDI benefits under section 202(d) of the Act; and

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


Would be eligible for SSI without such RSDI benefits. (BEM 158, p.1).

Here, the claimant never received SSI, thus she does not qualify for the DAC designation. This Administrative Law Judge strongly sympathizes with the claimant and her representatives but this is not a forum that can rule on equity.

DECISION AND ORDER

The Administrative Law Judge, based on the above findings of fact and conclusions of law, AFFIRMS the Department's actions in the instant case.

Michael
Administrative
for
Department



J. Bennane
Law Judge
Maura Corrigan, Director
of Human Services

Date Signed: August 16, 2011

Date Mailed: August 16, 2011

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.

MJB/cl

cc:

