

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

**IN THE MATTER OF:**

[REDACTED]

Reg. No.: 201329510  
Issue No.: 2000  
Case No.: [REDACTED]  
Hearing Date: June 26, 2013  
County: Wayne DHS (82)

**ADMINISTRATIVE LAW JUDGE:** Christian Gardocki

**SETTLEMENT ORDER**

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37 following Claimant's request for a hearing. After due notice, a telephone hearing was held on June 26, 2013, from Detroit, Michigan. Participants included the above-named claimant. [REDACTED] Claimant's sister, testified and appeared as Claimant's authorized hearing representative. Participants on behalf of Department of Human Services (DHS) included [REDACTED], Manager.

**ISSUE**

The issue is whether DHS properly determined Claimant's eligibility for Medical Assistance (MA) eligibility based on Disabled Adult Child (DAC) regulations.

**FINDINGS OF FACT**

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

1. Claimant was an ongoing MA benefit recipient.
2. On 12/18/12, DHS determined that Claimant was eligible for Medicaid, effective 9/2012.
3. On 12/20/12, Claimant requested a hearing to dispute the failure by DHS to approve Medicaid for Claimant back from 9/2012.
4. On 1/31/13, Claimant requested another hearing to dispute the failure by DHS to approve Claimant for Medicaid from 9/2012.

5. On 4/25/13, an administrative decision (related to the hearing request dated 12/20/12) ordered DHS to determine Claimant's MA eligibility, effective 9/2012, for the best available MA program.
6. On an unspecified date, DHS approved Claimant for Medicaid for all months since 9/2012 (see Exhibits 1-4), except for 1/2013.

### **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). DHS 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 Reference Tables Manual (RFT).

The present case has an unusual procedural history. Claimant requested two hearings, apparently concerning the same issue- Claimant's MA eligibility from 9/2012. The issue was addressed by administrative decision which ordered DHS to determine Claimant's MA eligibility from 9/2012. Claimant's AHR testified that DHS failed to process Medicaid for Claimant for any months since 9/2012. DHS presented sufficient documentation tending to show that Medicaid was processed for Claimant for all months since 9/2012, except for 1/2013. Based on the presented evidence, it is found that DHS addressed Claimant's basis for hearing for all benefit months except for 1/2013.

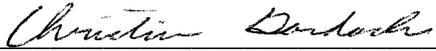
DHS stipulated that there was no basis for the failure to process Claimant's 1/2013 Medicaid eligibility. DHS also stipulated that Claimant was eligible for Medicaid as a DAC. The law provides that disposition may be made of a contested case by stipulation or agreed settlement. MCL 24.278(2). Based on DHS stipulations, it is found that Claimant is also entitled to Medicaid for 1/2013 under the Disabled Adult Child program.

### **DECISION AND ORDER**

The Administrative Law Judge, based upon the above findings of fact, conclusions of law and by agreement of the parties, finds that DHS failed to process MA eligibility for Claimant for 1/2013 based on DAC eligibility. It is ordered that DHS:

- (1) process Claimant's MA-DAC eligibility for Claimant for 1/2013; and
- (2) initiate supplement of any other benefits improperly not issued to Claimant.

The actions taken by DHS are REVERSED.

  
Christian Gardocki  
Administrative Law Judge  
for Maura Corrigan, Director  
Department of Human Services

Date Signed: 7/5/2013

Date Mailed: 7/5/2013

**NOTICE:** Michigan Administrative Hearing System (MAHS) 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. MAHS 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. (60 days for FAP cases)

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.

Claimant may request a rehearing or reconsideration for the following reasons:

- A rehearing **MAY** be granted if there is newly discovered evidence that could affect the outcome of the original hearing decision.
- A reconsideration **MAY** be granted for any of the following reasons:
  - misapplication of manual policy or law in the hearing decision,
  - typographical errors, mathematical error, or other obvious errors in the hearing decision that effect the substantial rights of the claimant:
  - the failure of the ALJ to address other relevant issues in the hearing decision.

Request must be submitted through the local DHS office or directly to MAHS by mail at  
Michigan Administrative Hearings  
Reconsideration/Rehearing Request  
P. O. Box 30639  
Lansing, Michigan 48909-07322

CG/hw

cc:

