

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 2013-61843
Issue No.: 2025
Case No.: [REDACTED]
Hearing Date: October 7, 2013
County: Oakland (63-04)

ADMINISTRATIVE LAW JUDGE: Alice C. Elkin

HEARING DECISION

Following Claimant's request for a hearing, this matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and 400.37; 7 CFR 273.15 to 273.18; 42 CFR 431.200 to 431.250; 45 CFR 99.1 to 99.33; and 45 CFR 205.10. After due notice, a telephone hearing was held on October 7, 2013, from Detroit, Michigan. Participants on behalf of Claimant included Claimant. Participants on behalf of the Department of Human Services (Department) included [REDACTED]

ISSUE

Did the Department properly provide Claimant's minor child with Medical Assistance (MA) coverage she was eligible to receive?

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 has an adopted special needs child and receives an adoption subsidy.
2. Claimant's child was receiving MA coverage based on her receipt of an adoption subsidy.
3. At some point, Claimant's child's MA coverage converted to Other Healthy Kids (OHK).
4. After Claimant failed to complete and submit an MA redetermination, the Department sent Claimant a July 20, 2013, Notice of Case Action notifying her that

her child's MA coverage under OHK was closing effective August 1, 2013, because Claimant had failed to submit a completed redetermination.

5. On August 9, 2013, Claimant filed a request for hearing contending that the child should be receiving MA coverage as a special needs adoption subsidy recipient.

CONCLUSIONS OF LAW

Department policies are contained in the Department of Human Services Bridges Administrative Manual (BAM), Department of Human Services Bridges Eligibility Manual (BEM), Department of Human Services Reference Tables Manual (RFT), and Department of Human Services Emergency Relief Manual (ERM).

The Medical Assistance (MA) program is established by the Title XIX of the Social Security Act, 42 USC 1396-1396w-5, and is implemented by 42 CFR 400.200 to 1008.59. The Department of Human Services (formerly known as the Family Independence Agency) administers the MA program pursuant to MCL 400.10 and MCL 400.105.

Additionally, as a preliminary matter, it is noted that, although the OHK cases were closed for two of Claimant's children, Claimant testified that one child had turned 18 in July 2013 and she was concerned about the MA coverage for the other child who remained a minor.

The child at issue in this case is a special needs child and the subject of an adoption need subsidy. Special needs children with adoption assistance agreements are automatically eligible for Group 1 MA. BEM 117 (October 2010), pp. 1-3. The Division of Adoption Services (DAS) in central office authorizes and maintains current MA for a child with an adoption assistance agreement. BEM 117, p. 3.

In this case, the Department acknowledged that Claimant's child was eligible for adoption subsidy MA coverage and testified that, although the child was identified as receiving MA coverage under the OHK program, the Department was requested by the its technology department to add the child's new identification number to the file because the child was active as an MA recipient under the adoption subsidy coverage. The Department presented documentation from its system showing that the child was an active MA recipient based on her adoption subsidy status, identified as MA-ASDW coverage on the Department's eligibility summary. The evidence presented showed that, although there had been an error in the child's MA coverage, the Department resolved the issue by providing the child with ongoing adoption subsidy-based MA coverage.

The Administrative Law Judge, based on the above Findings of Fact and Conclusions of Law, and for the reasons stated on the record, if any, finds that the Department acted in accordance with Department policy when it provided Claimant's child with MA coverage as a special needs child with adoption subsidy assistance.

DECISION AND ORDER

Accordingly, the Department's decision is AFFIRMED.



Alice C. Elkin
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: October 8, 2013

Date Mailed: October 8, 2013

NOTICE OF APPEAL: 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 or Reconsideration was made, within 30 days of the receipt date of the Decision and Order of Reconsideration or Rehearing Decision.

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).

A Request for Rehearing or Reconsideration may be granted when one of the following exists:

- Newly discovered evidence that existed at the time of the original hearing that could affect the outcome of the original hearing decision;
- Misapplication of manual policy or law in the hearing decision which led to a wrong conclusion;
- Typographical, mathematical or other obvious error in the hearing decision that affects the rights of the client;
- Failure of the ALJ to address in the hearing decision relevant issues raised in the hearing request.

The Department, AHR or the claimant must specify all reasons for the request. MAHS will not review any response to a request for rehearing/reconsideration. A request must be *received* in MAHS within 30 days of the date the hearing decision is mailed.

The written request must be faxed to (517) 335-6088 and be labeled as follows:

Attention: MAHS Rehearing/Reconsideration Request

If submitted by mail, the written request must be addressed as follows:

Michigan Administrative Hearings
Reconsideration/Rehearing Request
P.O. Box 30639
Lansing, Michigan 48909-07322

ACE/pf

cc:

