

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 2013-68321
Issue No.: 2001
Case No.: [REDACTED]
Hearing Date: January 22, 2014
County: Wayne (35)

ADMINISTRATIVE LAW JUDGE: Christian Gardocki

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, an in-person hearing was held on January 22, 2014, from Redford, Michigan. Participants included the above-named Claimant. [REDACTED] testified and appeared as Claimant's authorized hearing representative. [REDACTED], Claimant's mother, testified on behalf of Claimant. Participants on behalf of the Department of Human Services (DHS) included [REDACTED], Medical Contact Worker.

ISSUE

The issue is whether DHS properly failed to consider Claimant's eligibility for Medical Assistance (MA) through the Disabled Adult Child (DAC) program.

FINDINGS OF FACT

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

1. On [REDACTED], Claimant applied for MA benefits.
2. On [REDACTED], DHS determined Claimant was eligible for Medicaid from 1/2013-3/2013 and eligible for Medicaid subject to a \$927/month deductible beginning 4/2013.

3. The DHS determination dated [REDACTED] did not consider Claimant's MA eligibility through the DAC category of Medicaid.
4. On [REDACTED], DHS determined that Claimant was not eligible for Medicaid through DAC and continued Claimant's Medicaid eligibility as Medicaid subject to a \$927/month deductible.
5. On [REDACTED], Claimant requested a hearing to dispute the failure by DHS to consider her eligibility for Medicaid as a DAC.

CONCLUSIONS OF LAW

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

Claimant's AHR requested a hearing to dispute a determination by DHS that Claimant is eligible for Medicaid subject to a \$927/month deductible. Claimant's AHR restricted the dispute to the failure by DHS to consider Claimant's eligibility for Medicaid through the DAC category.

DAC is an SSI-related Group 1 MA category. BEM 158 (10/2010), p.1. 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
 5. Would be eligible for SSI without such RSDI benefits
- Id.*

A DHS Memo (Exhibit 1) dated 8/15/13 was presented. The document noted that Claimant was ineligible for Medicaid through DAC because SSI eligibility ended due to countable earnings, not due to the start or increase of any DAC RSDI benefits. The DHS memorandum suggested that Claimant did not meet the third listed requirement for DAC status.

The DHS Memo was not supported with any evidence to justify that Claimant's SSI eligibility ended due to earnings. Claimant credibly testified that she has never received employment earnings.

During the hearing, testimony was presented that Claimant's SSA claim number changed from one parent to her other parent. DHS conceded that the change in Claimant's SSA claim number likely led to an improper conclusion that Claimant had earnings. DHS conceded that Claimant was eligible for DAC status. The DHS concession is consistent with the presented facts. It is found that Claimant meets the requirements for Medicaid through the DAC category.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that DHS improperly determined Claimant's Medicaid eligibility, effective 4/2013. It is ordered that DHS perform the following actions:

- (1) redetermine Claimant's Medicaid eligibility, effective 4/2013, subject to the finding that Claimant meets the requirements for Medicaid through the DAC category; and
- (2) initiate a supplement of any benefits improperly not issued.

The actions taken by DHS are **REVERSED**.



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

Date Signed: 2/13/2014

Date Mailed: 2/13/2014

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

CG/hw

cc:

