

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 14-000661
Issue No.: MEDICAID - ELIGIBILITY
Case No.: [REDACTED]
Hearing Date: May 7, 2014
County: Shiawassee County DHS

ADMINISTRATIVE LAW JUDGE: Kevin Scully

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 May 7, 2014, from Lansing, Michigan. Participants on behalf of Claimant included [REDACTED] and [REDACTED]. Participants on behalf of the Department of Human Services (Department) included [REDACTED] and [REDACTED].

ISSUE

Did the Department properly determine the Claimant's eligibility for Medical Assistance (MA)?

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 an ongoing Medical Assistance (MA) under the G2-S category.
2. On January 10, 2014, the Department notified the Claimant that it had approved the Claimant for Medical Assistance (MA) as of February 1, 2014, with a \$ [REDACTED] deductible.
3. On March 21, 2014, the Department received the Claimant's request for a hearing, protesting the category of Medical Assistance (MA) she had been placed in, and the Department's determination of her eligibility for Medical Assistance (MA).

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).

HJ

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.

The Claimant is an ongoing Medical Assistance (MA) recipient and as of January 10, 2014, the Department had approved her for Medical Assistance (MA) coverage under the G2-S category with a deductible of \$949 as of February 1, 2014.

Medical Assistance (MA) is available to a person receiving disabled adult children's (DAC) 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. Department of Human Services Bridges Eligibility Manual (BEM) 158 (April 1, 2014), p 1.

The Department provided information obtained from the Social Security Administration showing

The Claimant is not disputing the Department's determination of her monthly benefits from the Social Security Administration, and the Department established that it is properly applying this monthly income to its determination of her deductible amount based on her placement in the G2-S category of Medical Assistance (MA).

The Claimant testified that she was notified that she had been placed in the Plan First category of Medical Assistance (MA).

The Department's representative testified that this was due to problems implementing the Affordable Care Act.

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 determined the Claimant's Medical Assistance (MA).

DECISION AND ORDER

Accordingly, the Department's decision is AFFIRMED IN PART with respect to the Department's determination of Medical Assistance (MA) under the G2-S category and

HJ

REVERSED IN PART with respect to the Department's determination of Medical Assistance (MA) under the Plan First category.

THE DEPARTMENT IS ORDERED TO BEGIN DOING THE FOLLOWING, IN ACCORDANCE WITH DEPARTMENT POLICY AND CONSISTENT WITH THIS HEARING DECISION, WITHIN 10 DAYS OF THE DATE OF MAILING OF THIS DECISION AND ORDER:

1. Initiate a determination of the Claimant's eligibility for Medical Assistance (MA) as of February 1, 2014.
2. Provide the Claimant with a Notice of Case Action (DHS-1605) describing the Department's revised eligibility determination.
3. Issue the Claimant any retroactive benefits she may be eligible to receive, if any.



Kevin Scully
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: **5/8/2014**

Date Mailed: **5/8/2014**

KS/hj

cc:

