

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 14-012505
Issue No.: 2001
Case No.: [REDACTED]
Hearing Date: January 08, 2015
County: Midland

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, telephone hearing was held on January 08, 2015, from Lansing, Michigan. Participants on behalf of Claimant included [REDACTED] and her authorized hearings representative [REDACTED]. Participants on behalf of the Department of Human Services (Department) included [REDACTED].

ISSUE

Did the Department properly close the Claimant's Medical Assistance (MA) benefits under the category of Disabled Adult Child (MA-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 an ongoing Medical Assistance (MA) recipient.
2. On September 3, 2014, the Department notified the Claimant that her Medical Assistance (MA) benefits under the Disabled Adult Child (MA-DAC) category would be closing and that she would be placed in a different category of MA.
3. On September 18, 2014, the Department received the Claimant's request for a hearing protesting the closure of Medical Assistance (MA) benefits under the Disabled Adult Child (MA-DAC) category.

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 Title XIX of the Social Security Act, 42 USC 1396-1396w-5; 42 USC 1315; the Affordable Care Act of 2010, the collective term for the Patient Protection and Affordable Care Act, Pub. L. No. 111-148, as amended by the Health Care and Education Reconciliation Act of 2010, Pub. L. No. 111-152; and 42 CFR 430.10-.25. The Department (formerly known as the Family Independence Agency) administers the MA program pursuant to 42 CFR 435, MCL 400.10, and MCL 400.105-.112k.

Disabled Adult Child (MA-DAC) is a Supplemental Security Income (SSI) related category of Medical Assistance (MA) benefits. Disabled Adult Child (MA-DAC) is available to a person receiving disabled adult children's (DAC) (also called Childhood Disability Beneficiaries' or CDBs') Retirement, Survivors, and Disability Insurance (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 she 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 has a disability or blindness that began before age 22.
5. Would be eligible for SSI without such RSDI benefits. Department of Human Services Bridges Eligibility Manual (BEM) 158 (October 1, 2014), p 1.


In this case, the Claimant is an ongoing Medical Assistance (MA) recipient and has been received benefits under the Disabled Adult Child (MA-DAC) category. On September 2, 2014, the Department reviewed the Claimant's eligibility for continuing Medical Assistance (MA) benefits and determined that she does not meet the criteria for the category of benefits it place her in. On September 3, 2014, the Department notified the Claimant that her Disabled Adult Child (MA-DAC) benefits would close and that she would be placed in a different category of Medical Assistance (MA) effective October 1, 2014.

It is not disputed that the Claimant has been found to be disabled or that she receives Disabled Adult Child (DAC) Retirement, Survivors, and Disability Insurance (RSDI) from the Social Security Administration (SSA). Despite the fact that the Claimant meets a portion of the criteria to receive this category of Medical Assistance (MA), there is no evidence available on the record that she has ever received Supplemental Security Income (SSI). Having received Supplemental Security Income (SSI) is a requirement to participate in the Disabled Adult Child (MA-DAC) category of Medical Assistance (MA) and the Claimant is not eligible under this category of benefits. Therefore, the Department was acting in accordance with policy when it closed the Claimant's Disabled Adult (MA-DAC) benefits and placed her in a category of benefits that she is eligible for.

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 closed the Claimant's Disabled Adult Child (MA-DAC) benefits.

DECISION AND ORDER

Accordingly, the Department's decision is **AFFIRMED**.



Kevin Scully
Administrative Law Judge
for Nick Lyon, Acting DHS Director
Department of Human Services

Date Signed: **1/20/2015**

Date Mailed: **1/20/2015**

KS/las

NOTICE OF APPEAL: A party may appeal this Hearing Decision in the circuit court in the county in which he/she resides, or the circuit court in Ingham County, within 30 days of the receipt date.

A party may request a rehearing or reconsideration of this Hearing Decision from the Michigan Administrative Hearing System (MAHS) within 30 days of the mailing date of this Hearing Decision, or MAHS may order a rehearing or reconsideration on its own motion.

MAHS may grant a party's Request for Rehearing or Reconsideration 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 party requesting a rehearing or reconsideration 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 this Hearing Decision is mailed.

A written request may be faxed or mailed to MAHS. If submitted by fax, 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

cc:

