



RICK SNYDER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
MICHIGAN ADMINISTRATIVE HEARING SYSTEM
Christopher Seppanen
Executive Director

SHELLY EDGERTON
DIRECTOR

[REDACTED]

Date Mailed: September 26, 2016
MAHS Docket No.: 16-011285
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Susanne E. Harris

HEARING DECISION

Following the Petitioner'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; and Mich Admin Code, R 792.11002. After due notice, a telephone hearing was held on September 22, 2016, from Lansing, Michigan. The Petitioner, [REDACTED], was represented by his mother, Guardian and Authorized Hearing Representative (AHR) [REDACTED]. The Department of Health and Human Services (Department) was represented by Family Independence Manager, [REDACTED] and Assistance Payments Worker, [REDACTED].

PROCEDURAL HISTORY

This matter was originally scheduled to be heard on September 13, 2016. On September 1, 2016, the Michigan Administrative Hearing System received the Petitioner's AHR's request for an adjournment. On September 6, 2016, Administrative Law Judge Lauren G. Van Steel issued an Adjournment Order and the matter was rescheduled to September 22, 2016. The hearing commenced as rescheduled. The record closed at the end of the hearing. The following exhibits were offered and admitted into evidence:

- Department: A--April 12, 2016, Health Care Coverage Determination Notice.
B--July 1, 2016, Administrative Hearing Order Certification.
C--June 16 and 29, 2016 email correspondence between the Department worker and the DAC Determination unit.
D--June 1, 2016, letter from Social Security Administration (SSA).
E-- April 15, 2005, letter from SSA.
F-- July 20, 2016, email response from DAC Determination unit.
G-- May 10, 2016, DHS/SSA Referral.
H-- June 1, 2016, letter from SSA.

I--- August 5, 2016, memo from DAC Determination unit.

Petitioner: 1-- March 21, 2016, letter from SSA.

ISSUE

Did the Department properly determined that the Petitioner was not eligible for Dependent Adult Child (DAC) 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 Petitioner was a recipient of DAC MA benefits.
2. On April 12, 2016, the Department sent the Petitioner a Health Care Coverage Determination Notice informing the Petitioner that his MA case was now subject to a \$ [REDACTED] monthly deductible.
3. At some point in time, the Petitioner's AHR requested a hearing protesting the determination that the Petitioner was no longer eligible for DAC MA benefits. Shortly after that hearing request, there was a hearing on the issue and the Administrative Law Judge had the Department redetermine the Petitioner's eligibility for DAC MA. The Department again determined that the Petitioner was not eligible for DAC MA.
4. There is no second Health Care Coverage Determination Notice in evidence. Per the Departments hearing summary, on January 21, 2016, the Department sent the Petitioner's AHR another notice informing the Petitioner's AHR that the Petitioner was not eligible for DAC MA.
5. On August 4, 2016, the Petitioner's AHR requested a second hearing protesting the Department's determination that the Petitioner was not eligible for DAC MA.

CONCLUSIONS OF LAW

Department policies are contained in the Department of Health and Human Services Bridges Administrative Manual (BAM), Department of Health and Human Services Bridges Eligibility Manual (BEM), Department of Health and Human Services Reference Tables Manual (RFT), and Department of Health and 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 Department of Human Services) administers the MA program pursuant to 42 CFR 435, MCL 400.10, and MCL 400.105-.112k.

In this case, the uncontested fact is that the Petitioner was not eligible to receive SSI for July, 2005 because of his independent living arrangement in July, 2005 and because he had earnings of \$ [REDACTED] for July, 2005. BEM 158 (2014) p. 1, provides that MA is available to a person receiving 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 or she became entitled to DAC RSDI benefits under section 202 (d) of the Social Security Act or an increase in such RSDI benefits; and
4. Is currently receiving DAC RSDI benefits under section 202 (d) of the Social Security Act; and
5. Would be eligible for SSI without such RSDI benefits.

Because the Petitioner ceased to be eligible for SSI due to earnings and his living arrangement, he did not cease to be eligible for SSI because he became entitled to DAC RSDI benefits under the Social Security Act. As such, the Petitioner does not meet criterion number three of BEM 158 p. 1. Therefore, this Administrative Law Judge concludes that the Department was acting in accordance with its policy when making a determination that the Petitioner is not eligible for DAC MA benefits and is therefore only eligible for MA subject to a deductible.

DECISION AND ORDER

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 that the Petitioner is not eligible for DAC MA.

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



SH/nr

Susanne E. Harris
Administrative Law Judge
for Nick Lyon, Director
Department of Health and Human Services

NOTICE OF APPEAL: A party may appeal this Order in circuit court within 30 days of the receipt date. A copy of the circuit court appeal must be filed with the Michigan Administrative Hearing System (MAHS).

A party may request a rehearing or reconsideration of this Order if the request is received by MAHS within 30 days of the date the Order was issued. The party requesting a rehearing or reconsideration must provide the specific reasons for the request. MAHS will not review any response to a request for rehearing/reconsideration.

A written request may be mailed or faxed to MAHS. If submitted by fax, the written request must be faxed to (517) 335-6088; 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 48909-8139

DHHS

[REDACTED]

Authorized Hearing Rep.

[REDACTED]

Petitioner

[REDACTED]