



RICK SNYDER  
GOVERNOR

STATE OF MICHIGAN  
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS  
LANSING

SHELLY EDGERTON  
DIRECTOR



Date Mailed: October 27, 2017  
MAHS Docket No.: 17-010164  
Agency No.: [REDACTED]  
Petitioner: [REDACTED]

**ADMINISTRATIVE LAW JUDGE:** Aaron McClintic

**HEARING DECISION**

Following 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; 42 CFR 438.400 to 438.424; 45 CFR 99.1 to 99.33; and 45 CFR 205.10; and Mich Admin Code, R 792.11002. After due notice, an in-person hearing was held on October 5, 2017, from [REDACTED] Michigan. Petitioner was represented by [REDACTED]. Petitioner also appeared and testified. The Department of Health and Human Services (Department) was represented by [REDACTED] Hearing Facilitator. Department Exhibit 1, pp. 1-35 was received and admitted.

**ISSUE**

Did the Department properly determine that Petitioner is not eligible for Disabled Adult Child (DAC) Medical Assistance?

**FINDINGS OF FACT**

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

1. Petitioner receives Social Security benefits as a Disabled Adult Child.
2. On June 30, 2017, a Health Care Coverage Determination Notice was sent to Petitioner informing him that he was approved for the Medicare Savings Program and Medicaid with a \$ [REDACTED] deductible.
3. On August 3, 2017, the Department initiated a DAC screening for Petitioner and determined that he was "not eligible for MA as a DAC because: SSI eligibility

ended secondary to failure to co-operate. Not due to start or increase in DAC RSDI". (Dept. Ex.1, p.35)

4. On July 26, 2017, Petitioner's Authorized Representative requested a hearing because Petitioner was denied DAC Medicaid.

### **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.

### **DEPARTMENT POLICY**

#### **MA Only**

This is an SSI-related Group 1 MA category.

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

**Note:** To receive DAC RSDI a person must have a disability or blindness that began before age 22.

5. Would be eligible for SSI without such RSDI benefits.  
BEM 158 (October 2014)

In this case, Petitioner is a Disabled Adult Child receiving social security benefits through his deceased mother's account in the amount of \$ [REDACTED] per month. Nothing in the SOLQ printout provided by the Department shows that Petitioner previously received SSI and then ceased to be eligible for SSI because he became entitled to DAC RSDI. The information obtained from the social security administration was that Petitioner's SSI eligibility ended on July 1, 2000, because Petitioner failed to cooperate in providing requested information. Petitioner has not presented sufficient proof that he meets the eligibility criteria outlined in BEM 158, therefore denial of MA-DAC coverage was proper and correct.

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 denied Petitioner MA-DAC eligibility.

#### **DECISION AND ORDER**

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

AM/md



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**Aaron McClintic**

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**

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**Authorized Hearing Rep.**

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**Petitioner**

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