



GRETCHEN WHITMER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
MICHIGAN OFFICE OF ADMINISTRATIVE HEARINGS AND RULES

MARLON I. BROWN, DPA
ACTING DIRECTOR

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Date Mailed: October 24, 2023
MOAHR Docket No.: 23-005780
Agency No.: ██████████
Petitioner: ██████ ██████

ADMINISTRATIVE LAW JUDGE: Kevin Scully

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; 45 CFR 99.1 to 99.33; and 45 CFR 205.10. After due notice, a telephone hearing was held on October 11, 2023, from Lansing, Michigan. Petitioner represented herself. The Department was represented by Sheila Crittenden.

ISSUE

Did the Department of Health and Human Services (Department) properly determine Petitioner’s eligibility for Medical Assistance (MA) benefits?

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 May █████ 2023, Petitioner and her children were ongoing recipients of Medical Assistance (MA) when the Department initiated a routine review of her eligibility for ongoing benefits after they received her completed Redetermination form. Exhibit A, pp 6-12.
2. On June █████ 2023, the Department notified Petitioner that one of her children was no longer eligible for Medical Assistance (MA) under the MA-DAC category. Exhibit A, p 15.
3. Department records indicate that one of Petitioner’s children was previously eligible for Supplemental Security Income (SSI) benefits, but that those benefits ended at age 10. Exhibit A, p 27.
4. On June █████ 2023, the Department notified Petitioner that one of her children was eligible for Medical Assistance (MA) with a \$█████ monthly deductible. Exhibit A, p 28.

5. On August 24, 2023, the Department received Petitioner's request for a hearing protesting the closure of Medical Assistance (MA-DAC) benefits. Exhibit A, pp 3-5.

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 through 42 USC 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 through 42 CFR 420.25. The Department administers the MA program pursuant to 42 CFR 435, MCL 400.10, and MCL 400.103 through MCL 400.112k of the Social Welfare Act, MCL 400.1 *et seq.*

MA-DAC is available to a person receiving disabled adult children's Retirement, Survivors, and Disability Insurance (RSDI) benefits under section 202(d) of the Social Security Act if the person is currently receiving DAC RSDI benefits. Department of Health and Human Services Bridges Eligibility Manual (BEM) 158 (October 1, 2014), p 1.

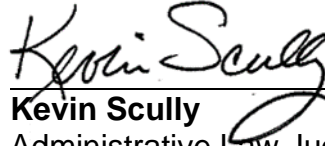
One of Petitioner's children is disabled and receives social security benefits. That child, is over the age of 18, currently receives RSDI survivor benefits. Petitioner does not dispute that her disabled child is currently receiving RSDI survivor benefits. As a disabled person receiving RSDI benefits exceeding the federal poverty level, Petitioner's child is not eligible for MA under the MA-DAC category but remains eligible for MA benefits under another category with a monthly deductible. The hearing record supports a finding that the Department properly placed Petitioner's child in a category that he 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 determined eligibility for Medical Assistance (MA) for Petitioner's disabled child.

DECISION AND ORDER

Accordingly, the Department's decision is AFFIRMED.

KS/dm



Kevin Scully
Administrative Law Judge
Michigan Office of Administrative Hearings
and Rules (MOAHR)

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 Office of Administrative Hearings and Rules (MOAHR).

A party may request a rehearing or reconsideration of this Order if the request is received by MOAHR 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. MOAHR will not review any response to a request for rehearing/reconsideration.

A written request may be mailed or faxed to MOAHR. If submitted by fax, the written request must be faxed to (517) 763-0155; Attention: MOAHR Rehearing/Reconsideration Request.

If submitted by mail, the written request must be addressed as follows:

Michigan Office of Administrative Hearings and Rules
Reconsideration/Rehearing Request
P.O. Box 30639
Lansing, Michigan 48909-8139

Via-Electronic Mail :

DHHS
Ashley Warner
Missaukee/Wexford County DHHS
**MDHHS-GR8North-
Hearings@michigan.gov**

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Via-First Class Mail :

Petitioner

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