



GRETCHEN WHITMER
GOVERNOR

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

MARLON BROWN
DIRECTOR

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Date Mailed: September 6, 2024
MOAHR Docket No.: 24-007816
Agency No.: ██████████
Petitioner: █████ █████

ADMINISTRATIVE LAW JUDGE: Colleen Lack

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, a telephone hearing was held on August 7, 2024, from Lansing, Michigan. The Petitioner was represented by █████ █████ Guardian and Authorized Hearing Representative (AHR). The Department of Health and Human Services (Department) was represented by Tamara Jackson, Hearings Facilitator (HF).

During the hearing proceeding, the Department's Hearing Summary packet was admitted as Exhibit A, pp. 1-21 and Petitioner's additional documentation was admitted as Exhibit 1, pp. 1-4.

ISSUE

Did the Department properly determine Petitioner'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. On March █████ 2024, an application for MA was filed on Petitioner's behalf. (Exhibit A, pp. 6-11)
2. On April █████ 2024, the local Department office received a Disabled Adult Children (DAC) memo stating Petitioner was not eligible for MA as a DAC because his Supplemental Security Income (SSI) ended based on a change in living

arrangement and not based on starting or increasing DAC Retirement Survivor Disability Insurance (RSDI) benefits. (Exhibit A, pp. 16)

3. The Department determined that Petitioner would have a monthly deductible for his MA coverage. (Exhibit A, p. 12 and 18)
4. On April ■ 2024, a Health Care Coverage Determination Notice was issued stating Petitioner was not eligible for the Medicare Savings Program because he is active for this program on another case. (Exhibit A, pp. 13-15)
5. On May ■ 2024, a hearing request was filed on Petitioner's behalf contesting the Department's determination. (Exhibit A, pp. 3-5)
6. On May ■ 2024, the Social Security Administration (SSA) issued correspondence that appears to indicate Petitioner was no longer eligible for SSI as of October 2019 due to being entitled to other RSDI benefits. (Exhibit 1, p. 1)
7. On June ■ 2024, a Health Care Coverage Determination Notice was issued stating Petitioner was not eligible for the Medicare Savings Program because he is active for this program on another case. It was also noted that a correction was made to the MA budget resulting in a lower monthly deductible. (Exhibit A, pp. 19-21)

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.

BEM 158 addresses MA-DAC:

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.

The Social Security Administration notifies central office when SSI terminates for a person meeting the criteria in 1-4 above. Notification is via a code on State Data Exchange (SDX) tapes. Central office sends a memo (see EXHIBIT I) to the appropriate local office. See SSI TERMINATIONS in BEM 150.

BEM 158, October 1, 204, p. 1.

In this case, it appears that SSA initially lowered Petitioner's SSI benefits to \$0.00 because he was in a public institution. (Exhibit 1, p. 2). This notice appears to indicate payment were only reduced to \$0.00 due to the institutional status, but not that Petitioner was no longer eligible for the SSI program. Further, on May 23, 2024 SSA issued correspondence that appears to indicate Petitioner was no longer eligible for SSI as of October 2019 due to being entitled to other RSDI benefits. (Exhibit 1, p. 1). According, it appears that SSA has updated their determination regarding Petitioner's eligibility for SSI benefits as of October 2019. This change may affect Petitioner's eligibility for MA under the DAC category. Therefore, the Department should redetermine whether Petitioner is eligible for MA as a DAC.

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 failed to satisfy its burden of showing that it acted in accordance with Department policy when it determined Petitioner's eligibility for MA.

DECISION AND ORDER

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

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. Redetermine Petitioner's eligibility for MA for the March ■ 2024 application in accordance with Department policy.

CL/dm



Colleen Lack
Administrative Law Judge

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
Tamara Jackson
Lapeer County DHHS
**MDHHS-Lapeer-
Hearings@michigan.gov**

SchaeferM

EQADHearings

BSC2HearingDecisions

MOAHR

Via-First Class Mail :

Petitioner

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Authorized Hearing Rep.

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