



Date Mailed: May 1, 2025

Docket No.: 25-010010

Case No.: [REDACTED]

Petitioner: [REDACTED]

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هذه وثيقة قانونية مهمة. يرجى أن يكون هناك شخص ما يترجم المستند.

এটি একটি গুরুত্বপূর্ণ আইনি ডকুমেন্ট। দয়া করে কেউ দস্তাবেজ অনুবাদ করুন।

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Ky është një dokument ligjor i rëndësishëm. Ju lutem, kini dikë ta përktheni dokumentin.

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; and Mich Admin Code, R 792.11002. After due notice, a hearing was held via telephone conference on April 3, 2025. Petitioner appeared and was unrepresented. The Michigan Department of Health and Human Services (MDHHS or Department) was represented by Cody Hitchcox, Eligibility Specialist. Department Exhibit 1, pp. 1-29 was received and admitted.

ISSUE

Did the Department properly determine that Petitioner is not eligible for Disabled Adult Child Medicaid (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. Petitioner credibly testified at hearing that he received SSI from 1997 until 2001 and he stopped receiving SSI when his mother passed away and began receiving survivor benefits from the social security administration.
2. Petitioner was married in 2012.

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3. Petitioner received MA- DAC from 2014 until 2024.
 4. On November █ 2024, Petitioner applied for MA after moving away from his wife and children and becoming a household of 1.
 5. Petitioner receives RSDI of \$█ and child survivor RSDI of \$█ per month.
 6. On December █ 2024, a Health Care Coverage Determination Notice was sent to Petitioner informing him that he was eligible for Medicaid with a \$█ deductible and not eligible for Medicare Cost Share.
 7. On February █ 2025, the Department issues a DAC Screening that determined that Petitioner was not eligible for DAC MA because SSI ended based on spouse's countable income and not as a result of starting or increasing DAC RSDI.
 8. On March 6, 2025, Petitioner requested hearing disputing the determination of his MA eligibility.

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.

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

In this case, Petitioner credibly testified at hearing that he received SSI from 1997 until 2001 and he stopped receiving SSI when his mother passed away and began receiving survivor benefits from the social security administration. Petitioner credibly testified that he was married in 2012. Petitioner credibly testified that he received MA-DAC from 2014 through 2024. The Department's DAC screening determined that Petitioner was not eligible for DAC MA because SSI ended based on spouse's countable income and not as a result of starting or increasing DAC RSDI. The Department presented insufficient evidence to establish that Petitioner's SSI ended based on his spouse's countable income. The Department could also not explain why Petitioner received MA-DAC from 2014 through 2024 and what changed that would not make him ineligible. Petitioner is found to be eligible for DAC-MA. BEM 158

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 failed to satisfy its burden of showing that it acted in accordance with Department policy when it determined that Petitioner was not eligible for MA-DAC.

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. Reinstate and reprocess Petitioner's November █ 2024, MA application.
2. Issue a DAC Screening confirming that Petitioner is potentially eligible.
3. Activate MA-DAC coverage going back to the date of application if Petitioner is found to be otherwise eligible.



AARON MCCLINTIC
ADMINISTRATIVE LAW JUDGE

APPEAL RIGHTS: Petitioner may appeal this Hearing Decision to the circuit court. Rules for appeals to the circuit court can be found in the Michigan Court Rules (MCR), including MCR 7.101 to MCR 7.123, available at the Michigan Courts website at courts.michigan.gov. The Michigan Office of Administrative Hearings and Rules (MOAHR) cannot provide legal advice, but assistance may be available through the State Bar of Michigan at <https://lrs.michbar.org> or Michigan Legal Help at <https://michiganlegalhelp.org>. A copy of the circuit court appeal should be sent to MOAHR. A circuit court appeal may result in a reversal of the Hearing Decision.

Either party who disagrees with this Hearing Decision may also send a written request for a rehearing and/or reconsideration to MOAHR within 30 days of the mailing date of this Hearing Decision. The request should include Petitioner's name, the docket number from page 1 of this Hearing Decision, an explanation of the specific reasons for the request, and any documents supporting the request. The request should be sent to MOAHR

- by email to MOAHR-BSD-Support@michigan.gov, **OR**
- by fax at (517) 763-0155, **OR**
- by mail addressed to
Michigan Office of Administrative Hearings and Rules
Rehearing/Reconsideration Request
P.O. Box 30639
Lansing Michigan 48909-8139

Documents sent via email are not secure and can be faxed or mailed to avoid any potential risks. Requests MOAHR receives more than 30 days from the mailing date of this Hearing Decision may be considered untimely and dismissed.

Via Electronic Mail:

Respondent

MACOMB COUNTY DHHS MT
CLEMENS DIST 12
44777 N GRATIOT AVE STE A
CLINTON TOWNSHIP, MI 48036
**MDHHS-MACOMB-12-
HEARINGS@MICHIGAN.GOV**



SCHAEFERM

EQADHEARINGS

BSC4HEARINGDECISIONS

MOAHR

Via First Class Mail:

Petitioner

[REDACTED]
[REDACTED]
[REDACTED]