



Date Mailed: August 5, 2025

Docket No.: 25-020385

Case No.: [REDACTED]

Petitioner: [REDACTED]

**This is an important legal document. Please have
someone translate the document.**

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

**এটি একটি গুরুত্বপূর্ণ আইনি ডকুমেন্ট। দয়া করে কেউ
দ্রষ্টাবেজ অনুবাদ করুন।**

**Este es un documento legal importante. Por favor,
que alguien traduzca el documento.**

这是一份重要的法律文件。请让别人翻译文件。

**Ky është një dokument ligjor i rëndësishëm. Ju
lутем, кини дикë та пëркtheni dokumentin.**

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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 July 8, 2025. Petitioner appeared and was unrepresented. The Michigan Department of Health and Human Services (MDHHS or Department) was represented by Daaimah Harmon and Desirae Mitchell. Department Exhibit 1, pp. 1-30 was received and admitted.

ISSUE

Did the Department properly deny Petitioner's Medical Assistance (MA) application on behalf of Amelie Dober because she was not residing in Petitioner's home primarily?

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 January [REDACTED] 2025, Petitioner submitted medical redetermination paperwork.
2. On February [REDACTED] 2025, a Health Care Coverage Determination Notice was sent to Petitioner informing her that she was approved for Transitional Medicaid.
3. On March [REDACTED] 2025, Petitioner applied for MA for her daughter [REDACTED]
4. Petitioner has her daughter [REDACTED] [REDACTED] in her care 45 overnights per year.
5. Petitioner claims [REDACTED] [REDACTED] as a tax dependent.

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.

LIVING WITH

SSI-Related MA, Group 2 Pregnant Women, Group 2 Persons Under Age 21, Group 2 Caretaker Relative

Living with others means sharing a home where family members usually sleep, except for temporary absences. A temporarily absent person is considered in the home. BEM 211 (October 2023)

In this case, Petitioner filed an application for MA seeking coverage for her daughter [REDACTED] [REDACTED] [REDACTED] [REDACTED] lives primarily with her father. Petitioner has parenting time 45 overnights per year. [REDACTED] [REDACTED] does not usually sleep in Petitioner's home. [REDACTED] [REDACTED] is not "living with" Petitioner according to the definition in BEM 211 and therefore cannot be included in her MA group. The Department determination to deny Petitioner's application for MA for [REDACTED] [REDACTED] was proper and correct and consistent with Department policy.

Petitioner argued that because she claims [REDACTED] [REDACTED] as a tax dependent then she should be included in her MA group. Department policy does not support that position.

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 denied Petitioner's MA application on behalf of [REDACTED] because she was not residing with Petitioner primarily.

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

Aaron McClintic
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
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Via First Class Mail:

Petitioner

[REDACTED]
[REDACTED]
[REDACTED]