



Date Mailed: November 6, 2025
Docket No.: 25-032688
Case No.: [REDACTED]
Petitioner: [REDACTED]

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

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Docket No.: 25-032688

Case No.: [REDACTED]

Petitioner: [REDACTED]

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 October 8, 2025. Petitioner appeared for the hearing and was represented by [REDACTED] Authorized Hearing Representative (AHR). [REDACTED] Social Worker with PsyGenics also appeared on Petitioner's behalf. The Michigan Department of Health and Human Services (MDHHS or Department) was represented by Gabrielle Calloway Dawson, Services Specialist.

ISSUE

Did the 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. Petitioner was an ongoing recipient of MA benefits under the Healthy Michigan Plan (HMP).
2. In connection with a redetermination/application, Petitioner's MA eligibility was reviewed. On the redetermination/application, Petitioner's Authorized Representative indicated that Petitioner is a disabled adult child with a diagnosis of intellectual disability and down syndrome.
3. On or around May 28, 2025, the Department sent Petitioner a Health Care Coverage Determination Notice advising her that effective July 1, 2025, she was ineligible for MA on the basis that she is not under 21, pregnant, or a caretaker of a minor child in the home, that she is not over age 65, blind or disabled.
4. On or around June 4, 2025, the Department sent Petitioner a Health Care Coverage Determination Notice (Notice), advising that effective July 1, 2025, she was eligible for limited coverage MA under the Plan First category and limited coverage MA subject to a monthly deductible of \$1,482.

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5. There was no evidence presented that the Department determined whether Petitioner would be eligible for MA under the Disabled Adult Child (DAC) category at the time of the redetermination and prior to approving her MA benefits under the limited coverage Group 2 Aged Blind Disabled (G2S) category.
6. On or around September 2, 2025, Petitioner requested a hearing disputing the Department's actions with respect to the MA program.

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.

In this case, the hearing was requested to dispute the Department's determination that Petitioner was eligible for MA subject to a monthly deductible. Petitioner's AHR asserted that Petitioner is a disabled adult child and MA eligibility under the Disabled Adult Child (DAC) category should have been determined.

MA is available (i) under SSI-related categories to individuals who are aged (65 or older), blind or disabled, (ii) to individuals who are under age 19, parents or caretakers of children, or pregnant or recently pregnant women, (iii) to individuals who meet the eligibility criteria for Healthy Michigan Plan (HMP) coverage, and (iv) to individuals who meet the eligibility criteria for Plan First Medicaid (PF-MA) coverage. 42 CFR 435.911; 42 CFR 435.100 to 435.172; BEM 105 (January 2024), p. 1; BEM 137 (June 2020), p. 1; BEM 124 (July 2023), p. 1. Under federal law, an individual eligible under more than one MA category must have eligibility determined for the category selected and is entitled to the most beneficial coverage available, which is the one that results in eligibility and the least amount of excess income or the lowest cost share. BEM 105, p. 2; 42 CFR 435.404.

Petitioner is potentially eligible for SSI-related MA, which is MA for individuals who are blind, disabled or over age 65. BEM 105, p. 1. Individuals are eligible for Group 1 coverage, with no deductible, if their income falls below the income limit, and eligible for Group 2 coverage, with a deductible that must be satisfied before MA is activated, when their income exceeds the income limit. BEM 105, p. 1.

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At the hearing, the Department representative testified that after processing Petitioner's redetermination, the Department determined that Petitioner was no longer eligible for MA under the HMP and that she was now eligible for MA under the limited coverage G2S category subject to a monthly deductible of \$1,482. The G2S category is an SSI-related Group 2 MA category, the eligibility of which must be considered only when eligibility does not exist under BEM 155 through 164, 170, or 171. BEM 166 (April 2017). The Department policy which references DAC MA eligibility is found at BEM 158 (October 2014).

DAC MA is an SSI-related Group 1 MA category and is available to a person receiving DAC (also called Childhood Disability Beneficiaries' or CDBs') RSDI benefits under section 202(d) of the Social Security Act **if** he or she meets **all** of the following conditions:

- is age 18 or older; and
- received SSI; and
- ceased to be eligible for SSI on or after July 1, 1987, because she became entitled to DAC RSDI benefits under section 202(d) of the Act or an increase in such RSDI benefits; and
- is currently receiving DAC RSDI benefits under section 202(d) of the Act (based on having a disability or blindness that began before age 22); and
- would be eligible for SSI without such RSDI benefits.

An individual may be receiving DAC RSDI benefits if one of the following descriptions applies:

- she has been identified as a DAC by central office or an SSI letter and the social security claim number suffix contains the letter C, which may be followed by another letter or number (CA, CB, C1, etc.).
- she is more than 19 years 2 months old and her social security claim number suffix contains the letter C, which may be followed by another letter or number (CA, CB, C1, etc.).
- she is age 18 or older, **not** a full-time student in elementary or secondary school and her social security claim number contains the letter C, which may be followed by another letter or number (CA, CB, C1, etc.).

BEM 158, pp. 1-3.

At the hearing, the Department representative testified that prior to the hearing request, the Department was not aware that Petitioner was seeking MA based on her status as a DAC. However, after receiving the hearing request, a request was made with the DAC Determination Unit on or around September 10, 2025, to review Petitioner's eligibility for

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MA as a DAC. Upon review of the redetermination/application, however, Petitioner reported that she was a DAC and that she had diagnosis of intellectual disability and down syndrome.

During the hearing, it was established that on October 1, 2025, the Department had received a Memo from the Central Office, as Petitioner's DAC screening had been completed. According to the DAC Determination Unit, Petitioner is potentially eligible for MA as a DAC, as her SSI benefits have been terminated and the SSA records identify her as potentially eligible for continued MA as a DAC. The Department was advised that when determining her continued MA eligibility, the Department is to give first consideration to eligibility based on BEM 158. A follow up email from the DAC Determination Unit advises the Department that Petitioner does meet the criteria for the Department to consider DAC MA. (Exhibit B).

As of the hearing date, there was no eligibility determination made with respect to whether Petitioner met the remaining criteria for DAC MA. As referenced above, Department policy provides that persons may qualify under more than one MA category and federal law gives persons the right to the most beneficial category which is considered the category that results in eligibility, the least amount of excess income, or the lowest cost share. BEM 105, p.2. The Department must consider all of the MA category options in order for the client's right of choice to be meaningful. BEM 105, p.2.

Therefore, because the Department did not consider Petitioner's eligibility for DAC MA prior to approving her for MA under the G2S, and, because MA benefits under the DAC are potentially more beneficial than the limited coverage G2S, the Department failed to properly process Petitioner's MA benefits and determine her eligibility for all MA categories. Additionally, in light of the Memo from the DAC Determination Unit finding that Petitioner is potentially eligible for MA as a DAC, the Department is to determine whether Petitioner meets the additional financial and non-financial criteria outlined in 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 did not act in accordance with Department policy when it processed Petitioner's MA benefits.

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 MA eligibility under the most beneficial category, and consider her eligibility for DAC MA for July 1, 2025, ongoing;
2. If eligible, provide MA coverage to Petitioner under the most beneficial category, that she was entitled to receive but did not from July 1, 2025, ongoing; and
3. Notify Petitioner and her AHR in writing of its decision.



ZAINAB A BAYDOUN
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.

