STATE OF MICHIGAN STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES

ADMINISTRATIVE HEARINGS FOR THE DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF:

Claimant

Reg. No.: 2008-29890 Issue No.: 2011 Case No.: Load No.: Hearing Date: June 25, 2009 Wayne County DHS (59)

ADMINISTRATIVE LAW JUDGE: Colleen M. Mamelka

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37 upon the Claimant request for hearing received by the Department on August 22, 2008. After due notice, a hearing was held in Detroit, Michigan on June 25, 2009. The Claimant appeared and testified.

ISSUE

Whether the Department properly determined the Claimant's retroactive MA eligibility date under the Medical Assistance ("MA") benefit program?

FINDINGS OF FACT

The Administrative Law Judge, based on the competent, material and substantial evidence on the whole record, finds as material fact:

 On May 1, 2008, the Claimant submitted an application for public assistance seeking MA benefits to specifically cover medical expenses incurred in January 2008. (Exhibit 2)

- 2. On June 16, 2008, the department denied the application for the January 2008 expenses because the expenses were not within the three preceding months prior to the application month.
- 3. On August 22, 2008, the Department received the Claimant's written request for hearing asking for a "forebearance" to get the January 2008 hospitalization expenses paid.

CONCLUSIONS OF LAW

The Medical Assistance ("MA") program is established by Title XIX of the Social Security Act and is implemented by Title 42 of the Code of Federal Regulations ('CFR"). The Department of Human Services, formally known as the Family Independence Agency, administers the MA program pursuant to MCL 400.10, *et seq* and MCL 400.105. Department policies are found in the Program Administrative Manual ("PAM"), the Program Eligibility Manual ("PEM"), and the Program Reference Manual ("PRM").

A request for public assistance may be in person, by mail, telephone or through by an internet application. PAM 110 Clients must complete and sign public assistance applications. PAM 115 An application is incomplete until enough information is provided to determine eligibility. PAM 115 Registered applications must contain, at a minimum, the name, birth date, and address of the applicant, along with the signature of the applicant or authorized representative. PAM 105 Retro-MA coverage is available back to the first day of the third calendar month prior to the application date. PAM 115 The date of application is the date the local office receives the required minimum information on an application. PAM 110

In the record presented, the Claimant's application was received and registered on May 1, 2008. The Claimant was unaware of the three month retroactive period, believing instead the retroactive period was one year. The Claimant acknowledge that the purpose of filing was to get

the January 2008 medical expense paid and that no further expenses were incurred. Ultimately, the Department established it followed department policy when it determined that retroactive benefits were from February of 2008, the third month prior to the application month; not January 2008. Accordingly, the Department's determination is AFFIRMED.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of

law, finds the Department established it acted in accordance with Department policy when it

denied the Claimant's MA application based upon the retroactive eligibility date.

Accordingly, it is ORDERED:

The Department's determination is AFFIRMED.

<u>/s/</u>

Colleen M. Mamelka Administrative Law Judge for Ismael Ahmed, Director Department of Human Services

Date Signed: ____06/29/09_____

Date Mailed: ____06/30/09_____

NOTICE: Administrative Hearings may order a rehearing or reconsideration on either its own motion or at the request of a party within 30 days of the mailing date of this Decision and Order. Administrative Hearings will not order a rehearing or reconsideration on the Department's motion where the final decision cannon be implemented within 90 days of the filing of the original request.

The Claimant may appeal the Decision and Order to Circuit Court within 30 days of the receipt of the Decision and Order or, if a timely request for rehearing was made, within 30 days of the receipt date of the rehearing decision.

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