

STATE OF MICHIGAN
STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES

ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF: [REDACTED],
Claimant

Reg. No: 2009-1216
Issue No: 2011
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
April 28, 2009
Jackson County DHS

ADMINISTRATIVE LAW JUDGE: Jana A. Bachman

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9; and MCL 400.37 upon claimant's request for a hearing. After due notice, a telephone hearing was held on April 28, 2009.

ISSUE

Whether the Department of Human Services (department) acted in compliance with department policy when it determined claimant's Medical Assistance (MA) benefits?

FINDINGS OF FACT

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

(1) On or about May 2008, claimant applied for MA. The department determined that claimant qualified and opened the MA effective May 2008.

(2) On or about October 2008, it came to the department's attention that claimant wished to apply for retroactive MA and/or believed a retroactive application had already been

submitted. October 3, 2008, the department sent claimant a Retroactive Medicaid Application (SHS-3243) and a Verification Checklist (DHS-3503) that indicated the required documents and a due date of October 13, 2008. Department A. The department did not receive the documents and so did not process retroactive MA.

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 (DHS or department) 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).

Department manuals provide the following policy statements and instructions for caseworkers:

Clients must cooperate with the local office in determining initial and ongoing eligibility. This includes completion of necessary forms.

Program Administrative Manual (PAM) 105

LEGAL BASE MA

42 CFR 431, 435

MCL 400.60(2)

All Programs

Clients must complete and sign the appropriate application form:

- DHS-1171, Assistance Application (All Programs).
- DHS-4583, Child Development and Care (CDC) Application.
- DHS-4574, Medicaid Application (Patient of Nursing Home).

- DHS-4574-B, Assets Declaration (for initial asset assessment). See PEM 402.
- DCH-0373-D, MICHild/Healthy Kids Application (Healthy Kids categories).
- The MICHild renewal form. This is a Healthy Kids application. MICHild sends the form to DHS when MICHild determines a person may be eligible for Healthy Kids.

MA Only

The DHS-3243, Retroactive Medicaid Application, is used along with the DHS-1171, DHS-4574 or DCH-0373 for retro MA applications. Only one DHS-3243 is needed to apply for one, two or three retro MA months.

Determine eligibility for each retro MA month separately.

To be eligible for a retro MA month, the person must:

- Meet all financial and nonfinancial eligibility factors in that month, and
- Have an unpaid medical expense incurred during the month, or
- Have been entitled to Medicare Part A.

PAM 115

LEGAL BASE MA

42 CFR 431, 435

In this case, it came to the department's attention that claimant wished to apply for retroactive MA. The department sent claimant proper forms and a checklist with instructions. The forms and proofs were not returned to the department and so the department could not process retroactive MA. At hearing, claimant stated that the forms were never received. Even so, claimant must apply for the MA coverage that she desires so that a determination of eligibility can be processed. With no application for retroactive benefits, the department may not make an eligibility determination or authorize coverage. As such, the department has met its

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burden of proof that it complied with department policy in processing claimant's application.

Finding of Fact 1-2; PAM 105, 115.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides the Department of Human Services acted in compliance with department policy. Accordingly, the department's action is **HEREBY UPHELD**.

/s/ _____
Jana A. Bachman
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: April 29, 2009

Date Mailed: April 29, 2009

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 cannot 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.

JAB/db

cc:

