

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: 2009-22660

Issue No: 2009

Case No: [REDACTED]

Load No: [REDACTED]

Hearing Date:

July 16, 2009

Kent County DHS

ADMINISTRATIVE LAW JUDGE: Ivona Rairigh

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 July 16, 2009. Claimant personally appeared and testified with the help of her son [REDACTED] who translated from English to Spanish.

ISSUE

Did the department correctly determine that the claimant was not eligible for retro Medicaid (MA) benefits for October and November, 2008?

FINDINGS OF FACT

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

1. Claimant applied for MA and retro MA on January 15, 2009.

2. On March 6, 2009, department's Medical Review Team determined that the claimant was not disabled for MA eligibility purpose as her impairment lacked duration of 12 months or more.

3. On March 16, 2009, department mailed the claimant a notice denying her MA application.

4. On March 17, 2009, claimant requested a hearing contesting department's determination.

5. On June 8, 2009, department's State Hearing Review Team (SHRT) approved claimant's MA application and retro MA effective as of December, 2008.

6. On June 10, 2009, State Office of Administrative Hearings and Rules issued a Summary Order of Partial Disposition indicating that the hearing will still be held to determine eligibility for the retro MA program for October and November, 2008.

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).

Departmental policy on application processing states that retro MA coverage is available back to the first day of the third calendar month prior to the most recent application for MA recipients. PAM 115, p. 8. Claimant has been found eligible for MA based on January, 2009

application. Claimant is therefore eligible for MA back to the first day of October, 2008, as she has unpaid medical bills according to her hearing testimony.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the department incorrectly determined that the claimant was not eligible for retro MA for October and November, 2008.

Accordingly, department's action is REVERSED. Department shall:

1. Process claimant's disputed retro MA application for October and November, 2008, and grant her any such benefits she is otherwise eligible for (i.e. meets financial and non-financial eligibility requirements).
2. Notify the claimant in writing of this determination.

SO ORDERED.

/S/ _____
Ivona Rairigh
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: September 1, 2009

Date Mailed: September 8, 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 mailing 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.

IR [REDACTED]

cc:

[REDACTED]