

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: 2010-11887  
Issue No: 2007  
Case No: [REDACTED]  
Load No: [REDACTED]  
Hearing Date:  
April 20, 2010  
St. Clair County DHS

ADMINISTRATIVE LAW JUDGE: Carmen G. Fahie

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 Tuesday, April 20, 2010. The claimant personally appeared and testified with his wife, [REDACTED] as a witness.

ISSUE

Did the department properly deny the claimant's application for retroactive Medical Assistance (MA-P) 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) The claimant is a recipient of RSDI with a disability onset date of [REDACTED] with a net monthly benefit of [REDACTED]. (Department Exhibit A-C)

(2) On July 7, 2009, the claimant applied for MA-P with retroactive benefits to September 2008. (Department Exhibit 2-3)

(3) On August 14, 2009, the department caseworker sent the claimant a notice that his application for retroactive MA-P was denied because retroactive MA-P can only go back three prior months to the application date where the period of retroactive MA-P that had been applied for was September 2008 to November 2008, resulting in a denial. (Department Exhibit 4-6)

(4) On September 28, 2009, the department received a hearing request from the claimant, contesting the department's negative action.

### 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).

The department's program eligibility manuals provide the following relevant policy statements and instructions for caseworkers:

#### **RETRO MA APPLICATIONS MA Only**

Retro MA coverage is available back to the first day of the third calendar month prior to:

- The current application for FIP and MA applicants and persons applying to be added to the group.
- The most recent application (**not** redetermination) for FIP and MA recipients.

- For SSI, entitlement to SSI.
- For department wards; see [BEM 117](#), DEPARTMENT WARDS, TITLE IV-E AND ADOPTION RECIPIENT, the date DHS received the court order for a department ward.
- For title IV-E and special needs adoption assistance recipients; see [BEM 117](#), DEPARTMENT WARDS, TITLE IV-E AND ADOPTION RECIPIENT, entitlement to title IV-E or special needs adoption assistance.

**Exception:** Full-coverage QMB eligibility **cannot** be retroactive. ALM **cannot** be authorized for a previous calendar year. See BEM 165.

A person might be eligible for one, two or all three retro months, **even if not** currently eligible. The DHS-3243, Retroactive Medicaid Application, is used to apply for retro MA. Only one DHS-3243 is needed to apply for one, two or all three retro MA months.

The claimant applied for MA-P on July 7, 2009, but he requested retroactive MA-P from September 2008 to November 2008. Retroactive MA-P is only eligible for three months prior to the date of application. Since the claimant applied on July 7, 2009, retroactive MA-P would be retroactive to April, May, and June 2009.

Therefore, the department has established that it was acting in compliance with department policy by determining that the claimant was not eligible to receive retroactive benefits from September 2008 to November 2008.

#### DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the department appropriately denied the claimant's application for retroactive MA-P from September 2008 to November 2008.

Accordingly, the department decision is **AFFIRMED**.

/s/  
Carmen G. Fahie  
Administrative Law Judge  
for Ismael Ahmed, Director  
Department of Human Services

Date Signed: June 9, 2010

Date Mailed: June 9, 2010

**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.

CGF/vc

cc:

