

STATE OF MICHIGAN
STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES
ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF:



Reg. No: 201042813

Issue No: 2019



ADMINISTRATIVE LAW JUDGE: Kandra Robbins

HEARING DECISION

This matter is before the undersigned Administrative Law Judge by authority of MCL 400.9 and MCL 400.37. This matter was originally assigned to [REDACTED]. [REDACTED] is no longer employed by the State Office of Administrative Hearings and Rules. This matter was reassigned to [REDACTED] to complete the decision after complete review of the record. Claimant's request for a hearing was received on March 15, 2010. After due notice, a telephone hearing was held on September 23, 2010. The Claimant's representative, Sallee Arnold, was present and testified.

ISSUE

Whether the Department of Human Services (Department) properly processed the Claimant's Medical Assistance (MA) application?

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 Authorized Representative submitted a completed DHS-1171 Application for Assistance and DHS 3243 Retroactive Medicaid Application on November 30, 2009. (Department Exhibit 1 pgs 11-28).
2. The Department approved the Claimant for assistance beginning on November 2009 and retro-MA for August, September, and October 2009. (Department Hearing Summary).
3. On February 25, 2010, the Department received the Claimant's Request for Hearing.

CONCLUSIONS OF LAW

The regulations governing the hearing and appeal process for applicants and recipients of public assistance in Michigan are found in the Michigan Administrative Code, MAC R 400.901 - .951. An opportunity for a hearing shall be granted to an applicant who requests a hearing because his claim for assistance is denied. MAC R 400.903(1) An opportunity for a hearing shall be granted to an applicant who requests a hearing because of a denial. MAC R 400.903(2).

Clients have the right to contest a department decision affecting eligibility or benefit levels whenever it is believed that the decision is incorrect. BAM 600. The department will provide an administrative hearing to review the decision and determine the appropriateness. BAM 600.

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 Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM), Reference Table Manual (RFT), and the Bridges Reference Manual (BRM). Department policy states:

BAM 105 DEPARTMENT POLICY All Programs

Clients have rights and responsibilities as specified in this item. The local office must do **all** of the following:

- Determine eligibility.
- Calculate the level of benefits.
- Protect client rights.

CLIENT RIGHTS Right to Apply All Programs

On the **same day** a person comes to the local office, a person has the right to file an application and get local office help to provide the minimum information for filing. An application **or** filing form, whether faxed, mailed or received from the internet must be registered with the receipt date, **if** it contains at least the following information:

- Name of the applicant.
- Birth date of the applicant (not required for FAP).
- Address of the applicant (unless homeless).
- Signature of the applicant/authorized representative.

An application/filing form with the minimum information listed above must be registered in Bridges using the receipt date as the application date even if it does not contain enough information needed to determine eligibility; see BAM 110.

BAM 110 DEPARTMENT POLICY
Request for Assistance
All Programs

A request for assistance may be in person, by mail, telephone or an application can be obtained on the Internet. The requester has the right to receive the appropriate application form:

- DHS-1171, Assistance Application (all programs). The DHS-1171 packet includes an information booklet and the assistance application.

A filing form used to preserve the application filing date is available on the last page of the information booklet and online at www.michigan.gov/dhs-forms.

Applications
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; see RETRO MA APPLICATIONS in BAM 115.

BAM 115 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.

In this case, the Claimant's representative submitted an Application for Assistance on November 25, 2009. The Claimant also requested retro-active MA. Although the Claimant was placed in the nursing home in February 2009, Retro-MA is limited to 3 months prior to the date of application. Because the application in this matter was not received until November 2009, the Claimant is only eligible for retro-MA as of August 2009. The Department properly processed the Claimant's Application for Assistance.

The Claimant's representative stated at the hearing that she understood the decision of the Department. She stated that no one had explained the 3 month retro-MA limitation.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the Department did properly process the Claimant's application for MA and Retro-MA.

It is SO ORDERED.

_____/s/_____
Kandra Robbins
On behalf of Jana Bachman
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: 2/16/11

Date Mailed: 2/17/11

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 60 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.

