

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

IN THE MATTER OF THE CLAIM OF:

[REDACTED]

Reg. No.: 201052329
Issue No.: 2012
Case No.: [REDACTED]
Load No.: [REDACTED]
Hearing Date: December 16, 2010
Wayne County DHS (15)

ADMINISTRATIVE LAW JUDGE: Michael J. Bennane

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37 upon the claimant's request for a hearing. After due notice, a telephone hearing was held on December 16, 2010. The claimant appeared and testified. The claimant was represented by his Authorized Representative (AR) [REDACTED]

ISSUE

Whether the Department was correct in opening the claimant's retroactive Medical Assistance (MA)?

FINDINGS OF FACT

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

1. On December 18, 2009, the claimant's AR filed for MA and retroactive MA.
2. On August 2, 2010, the claimant's AR filed a request for a hearing.

CONCLUSIONS OF LAW

The Medical Assistance (MA) program is established by the 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 (formerly 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 Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Program Reference Manual (PRM).

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In this case the department acknowledges the claimant's December 18, 2009, application but has not processed the retroactive application.

Retroactive Benefits

Authorize retroactive benefits if the group is eligible for a period that is:

Prior to the month you determined eligibility, **and**
Within 60 days of the application date. (BAM 400, p.5).

Here, the department has not processed the retroactive coverage back to September, 2009.

The undersigned finds the department has not processed the claimant retroactive MA application properly.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, **REVERSES** and **ORDERS** the department to reregister the claimant's retroactive MA back to its December 18, 2009 filing and process the application properly.



Michael J. Bennane
Administrative Law Judge
For Maura Corrigan, Director
Department of Human Services

Date Signed: 1/20/2011

Date Mailed: 1/20/2011

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

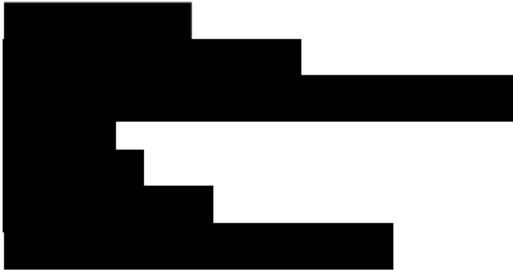
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reconsideration on the Department's motion where the final decision cannot be implemented within 90 days of the filing of the original request.

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.

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