

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: 2010-8230

Issue No: 2011

Case No: [REDACTED]

Load No: [REDACTED]

Hearing Date:

May 26, 2010

Montcalm 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 May 26, 2010.

ISSUE

Whether the department properly determined claimant's Medicaid (MA) eligibility for the month of May 2009.

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 June 2009, claimant applied for Medical Assistance (MA). The department later determined claimant's eligibility and entered an MA begin date on its computer system of June 2009.

(2) Claimant filed an application for retroactive MA on or about August 26, 2009.

The department has no record of this application and did not act upon it.

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:

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

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.

Bridges Administrative Manual (BAM) 115; 42 CFR 431, 435.

The date of application is the date the local office receives the required minimum information on an application for filing form. BAM110, 42 CFR 435.906-908.

In this case, claimant credibly asserts that she filed a retroactive MA application on or about August 26, 2009. At hearing, the department testified that it keeps a log at its front reception desk for all clients to sign in papers that are dropped off. The department stated the log was not available for review at hearing. Giving most favorable view to the claimant, a preponderance of evidence exists that she did file the retroactive application in August and the department has not acted upon it. Accordingly, the department has not met its burden of proof and its action cannot be upheld. Finding of Fact 1-2.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the department did not properly determine claimant's Medical Assistance eligibility begin date.

Accordingly, the department's action is, hereby, REVERSED. The department is to initiate an evaluation of claimant's MA eligibility for retroactive MA in compliance with department policy and this Decision and Order.

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

Date Signed: June 16, 2010

Date Mailed: June 17, 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 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:

