

**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.: 2010-29465
Issue No.: 2009
Case No.: [REDACTED]
Load No.: [REDACTED]
Hearing Date: September 28, 2010
Wayne County DHS (43)

ADMINISTRATIVE LAW JUDGE: Colleen M. Mamelka

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 conducted from Detroit, Michigan on Tuesday, September 28, 2010. The Claimant did not participate in the hearing however his Authorized Hearing Representative, [REDACTED], of [REDACTED], [REDACTED] appeared and testified. [REDACTED] appeared on behalf of the department.

ISSUE

Whether the Department properly activated Medical Assistance based on disability ("MA-P") coverage for the retroactive months of August 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. The Claimant/Representative submitted an application for public assistance seeking MA-P benefits, retroactive for August 2008, on November 14, 2008. (Exhibit 1)
2. The Department activated a MA-P case for the Claimant for the months of November and December 2008.
3. Retroactive benefits were not activated.
4. On January 7, 2010, the Department received the Claimant/Representative's written request for hearing. (Exhibit 3)

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 Bridges Reference Manual (“BRM”).

The goal of the Medicaid program is to ensure that essential health care services are made available to those who otherwise could not afford them. BEM 105 Medicaid is also known as Medical Assistance (“MA”). *Id.* The Medicaid program is comprised of several categories; one category is for FIP recipients while another is for SSI recipients. *Id.* Programs for individuals not receiving FIP or SSI are based on eligibility factors in either the FIP or SSI program thus are categorized as either FIP-related or SSI-related. *Id.* To receive MA under an SSI-related category, the person must be aged (65 or older), blind, disabled, entitled to Medicare or formally blind or disabled. *Id.* Families with dependent children, caretaker relatives of dependent children, persons under age 21 and pregnant, or recently pregnant women, receive MA under FIP-related categories. *Id.*

Registered applications must contain, at a minimum, the name, birth date, and address of the applicant, along with the signature of the applicant or authorized representative. BAM 105 Retro-MA coverage is available back to the first day of the third calendar month prior to the application date. BAM 115

In this case, the Claimant/Representative submitted an application for MA-P benefits in November 2008. Retroactive benefits for August were also sought. The Department activated MA-P coverage for the application month (and December 2008) but failed to activate coverage for the retroactive month of August 2008. The Department did not dispute that coverage should have been activated. Under these facts, the Department’s actions are not upheld.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law finds the Department’s actions are not upheld.

Accordingly, it is ORDERED:

1. The Department’s actions are not upheld.

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2. The Department shall activate MA-P coverage for the retroactive month(s) of August 2008 through October 2008 in accordance with department policy.

Colleen M. Mamelka

Colleen M. Mamelka
Administrative Law Judge
For Ismael Ahmed, Director
Department of Human Services

Date Signed: 9/28/2010

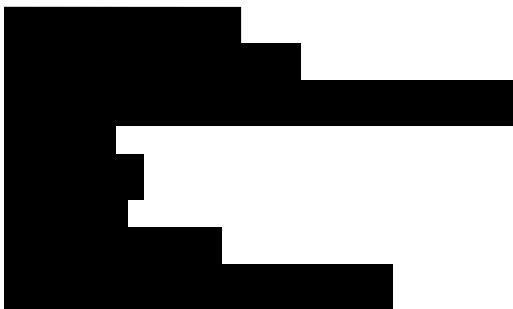
Date Mailed: 9/28/2010

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.

CMM/jlg

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