

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

IN THE MATTER OF:



Reg. No: 2010-48850
Issue No: 2012



Genesee County DHS

ADMINISTRATIVE LAW JUDGE: Suzanne L. Morris

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 December 8, 2010. The claimant was represented by Steven Hosner from Advomas.

ISSUE

Did the department properly process the claimant's retroactive Medicaid application for the month of November, 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's representative submitted a Medicaid application and retroactive Medicaid application on December 12, 2008.
2. The department processed the claimant's Medicaid application and approved the claimant for Medicaid effective December 1, 2008.
3. The claimant's representative submitted a hearing request on June 14, 2010, requesting the department process the retroactive Medicaid application (for November 2008).

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 policy states:

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. PAM, Item 105, p. 1.

The claimant's representative indicates that the department did not process the claimant's retroactive MA application for the month of November, 2008. The department could not find that the application had ever been processed and a decision issued on the retroactive application.

Department policy requires the department to determine eligibility for a client. The department must determine the claimant's eligibility for retroactive MA for the month of November, 2008 and issue a decision notice on the retroactive application to the claimant and the claimant's representative.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the department did not process the claimant's retroactive Medicaid application for the month of November, 2008.

Accordingly, the department is REVERSED. The department shall process the claimant's retroactive Medicaid application for November, 2008 and issue a decision as to the claimant's eligibility.

SO ORDERED.

