

STATE OF MICHIGAN
MICHIGAN ADMINISTRATIVE HEARING SYSTEM
ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF:

[REDACTED]

Reg. No: 2011-18088
Issue No: 2027

[REDACTED]

Allegan 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 [REDACTED]. The claimant was not present, but was represented by [REDACTED].

ISSUES

Did the department properly deny the claimant's retro MA application for March, 2006?

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 applied for MA and retro MA after receiving a favorable decision from the Social Security Administration granting SSI benefits to the claimant, effective April, 2006. (Claimant Exhibit 5 - 24)
2. The claimant's application for retro MA for the month of March, 2006 was denied by the department on December 13, 2010. (Claimant Exhibit 25)
3. The claimant submitted a hearing request on January 12, 2011.

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 Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Program Reference Manual (PRM).

In this case, the claimant was issued a favorable SSA decision awarding him SSI benefits on April 6, 2009. The benefits were retroactive to April, 2006. The claimant then submitted an application for retro MA benefits due to an unpaid hospital bill for the month of March, 2006.

Department policy states that ongoing MA eligibility begins the first day of the month of SSI entitlement. Some clients also qualify for retro MA coverage for up to three calendar months prior to SSI entitlement. BEM 150. Retro MA coverage is available back to the first day of the third calendar month prior to SSI entitlement. BAM 115.

The claimant was determined to be eligible for SSI as of April, 2006. Thus, the claimant is eligible for retro MA coverage for up to three calendar months prior to that entitlement date, providing he meets all other financial and non-financial factors. This would include the month of March, 2006. Thus, the department improperly denied the claimant's retro MA application.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the department improperly denied the claimant's retro MA application for March, 2006.

Therefore, the department's determination is REVERSED. The department shall reprocess the claimant's retro MA application for March, 2006 and approve if he meets all other financial and non-financial eligibility factors. SO ORDERED.

_____/s/_____
Suzanne L. Morris
Administrative Law Judge
for Maura D. Corrigan, Director
Department of Human Services

Date Signed: 5/19/11

Date Mailed: 5/19/11

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 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.

[REDACTED]