

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

IN THE MATTER OF:
Issue



Reg. No.: 2011-29521
No.: 2012
Case No.: [REDACTED]
Hearing Date: June 1, 2011
DHS County: Wayne (49)

ADMINISTRATIVE LAW JUDGE: Michael J. Bennane

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9; MSA 16.409 and MCL 400.37; M SA 16.437 upon the Claimant's request for a hearing. After due notice, a telephone hearing was held on June 1, 2011. The Claimant was represented by her Authorized Representative (AR) L & S Associates.

ISSUE

Did the Department of Human Services (Department) properly process the Claimant's retroactive Medical Assistance?

FINDINGS OF FACT

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

1. On July 27, 2010, the Claimant's AR filed an application for retroactive MA.
2. On April 6, 2011, the Claimant's AR filed a request for a hearing requesting that the Department process the Claimant's retroactive MA application.

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 (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).

MA Only

The SOP for an **initial asset assessment** begins the date the local office receives a signed DHS- 4574-B, Assets Declaration. Complete the assessment and mail the client and spouse a notice within 45 days; see BEM 402. (BAM 115, p.12).

In the instant case, the Department failed to process the Claimant's retroactive MA application. The Department's hearing summary seems to question whether someone may apply for retroactive MA coverage sixteen (16) months after MA coverage became effective.

There is no time limit for which a retroactive MA application may be submitted after the original MA application or the effective date of that MA coverage.

DECISION AND ORDER

The Administrative Law Judge, based on the above findings of fact and conclusions of law, **REVERSES AND ORDERS** the Department to process the Claimant's July 27, 2010, retroactive application.



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

Date Signed: August 2, 2011
Date Mailed: August 2, 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 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.

MJB/cl
cc:

