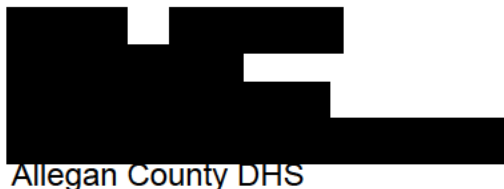


STATE OF MICHIGAN  
MICHIGAN ADMINISTRATIVE HEARING SYSTEM  
ADMINISTRATIVE HEARINGS FOR THE  
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF:



**ADMINISTRATIVE LAW JUDGE:** Vicki L. Armstrong

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 received on June 28, 2011. After due notice, a telephone hearing was held on September 28, 2011. Claimant, accompanied by her personal representative, personally appeared and testified.

ISSUE

Whether the Department of Human Services (the department) properly denied Claimant's application for Retro-Medical Assistance (Retro-MA)?

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 December 22, 2010, Claimant applied for MA-P and Retro-MA.
- (2) On March 8, 2011, the Medical Review Team (MRT) denied Claimant's MA and Retro-MA application stating Claimant's physical or mental impairment lacks duration of 12 months, pursuant to 20 CFR 416.909. (Department Exhibit A, pages 26-27).
- (3) On March 31, 2011, the department caseworker sent Claimant notice that her application was denied.
- (4) On May 11, 2011, the Social Security Administration (SSA) Disability Determination Service (DDS) found Claimant was disabled with an established onset date of November 13, 2010. (Department Exhibit B, page 11).
- (5) On June 28, 2011, Claimant filed a request for a hearing to contest the department's negative action.

- (6) On July 13, 2011, the State Hearing Review Team (SHRT) adopted the determination made by the Social Security Administration Disability Determination Service and approved Claimant's application for MA-P, and would have approved State Disability Assistance (SDA) for Claimant if she had applied for SDA. SHRT denied MA-P and Retro-MA from September 2010 to November 2010, finding the medical evidence does not document a mental/physical impairment that significantly limited Claimant's ability to work from September 2010 to November 2010 (Department Exhibit B, page 1).
- (7) Claimant has a history of bipolar disorder, anxiety, severe depression and Attention Deficit Hyperactivity Disorder (ADHD).
- (8) Claimant is a 46 year old woman whose birthday is [REDACTED]. Claimant is 5'5" tall and weighs 180 lbs. Claimant completed the tenth grade and last worked as a cashier in 2010.
- (9) Claimant had been approved for Social Security disability with an established onset date of November 13, 2010, at the time of the hearing.

#### 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 Reference Tables Manual (RFT).

Based on the Social Security Administration's finding that Claimant was disabled and SHRT subsequently granting Claimant's MA application, the only remaining issue is whether Claimant is eligible for Retro-MA. According to departmental policy, some clients also qualify for retroactive (retro) MA coverage for up to three calendar months prior to SSI entitlement; see BAM 115. BEM 150.

Departmental policy states that 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. BAM 115

In this case, Claimant applied for MA and Retro-MA on December 22, 2010. Claimant was found Disabled by the Social Security Administration Disability Determination

Service with an established onset date of November 13, 2010. According to departmental policy, "Retro-MA coverage is available back to the first day of the third calendar month prior to the current application for . . . MA." BAM 150. Therefore, based on department policy, this Administrative Law Judge finds Claimant is entitled to Retro-MA back to the first day of the third calendar month prior to her December 22, 2010 application.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides the department erred in determining Claimant was not eligible for Retro-MA according to departmental policy.

Accordingly, the department's action is REVERSED, and this case is returned to the local office to determine whether Claimant met all of the other financial and non-financial eligibility factors necessary to qualify for Retro-MA.

It is SO ORDERED.

/s/  
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Vicki L. Armstrong  
Administrative Law Judge  
for Maura D. Corrigan, Director  
Department of Human Services

Date Signed: 10/19/11

Date Mailed: 10/19/11

**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.

VLA/ds

