

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

IN THE MATTER OF:

[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

Reg. No. 2011-53035  
Issue No. 2015  
Case No. [REDACTED]  
Hearing Date: October 20, 2011  
Alger County DHS

**ADMINISTRATIVE LAW JUDGE:** William A. Sundquist

**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 held on October 20, 2011.

**ISSUE**

Was eligibility for automatic retro Medicaid coverage for May 2011 established?

**FINDINGS OF FACT**

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

**PROCEDURE**

1. At the outset of the hearing, claimant's legal representative requested the ALJ to recuse himself from conducting the hearing based on his grievance against the ALJ approximately one and one half years ago.

**SUBSTANTIVE**

2. On August 11, 2011, claimant applied for Medicaid and retro for the months of June and July, was approved on August 16, 2011, and requested a hearing on August 29, 2011.
3. Before May 2011, claimant's SSI eligibility had been closed.
4. During May 2011, claimant's SSI eligibility was reopened (Claimant Exhibit A, page 23).

5. On August 26, 2011, the claimant notified the DHS that his SSI case had been reopened starting in May 2011 (Claimant Exhibit A, pages 21 to 23).

### **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 Bridges Reference Manual (BRM).

Facts above are undisputed.

### **PROCEDURE**

A hearing shall be conducted by an impartial Administrative Law Judge. An Administrative Law Judge assigned to preside shall not have been involved in the initial determination of the action in question. MAC 400.909.

The claimant's legal representative was offered a hearing based on the above ruling. He refused to go forward.

### **SUBSTANTIVE**

An opportunity for a hearing shall be granted to an advocate who requests a hearing because his claim for assistance is denied or is not acted upon with reasonable promptness. MAC 400.903.

In this case, the claimant's application for Medicaid and requested retro months for June and July was approved. In short, the claimant received what he wanted. Now, after approval, claimant is claiming that the DHS should automatically approve him eligible for retro Medicaid coverage for May 2011 per BEM 150, page 1.

Application means a signed and dated statement on a form prescribed by the department that a person wishes to receive program benefits. BPG Glossary, page 3.

There is no evidence of record that the claimant filed an application for retro coverage for the month of May based on automatic eligibility per BEM 150.

Application based on automatic eligibility should be filed and processed with a determination by the DHS before any hearing request.

Therefore, automatic Medicaid eligibility has not been established by the necessary competent, material and substantial evidence on the whole record.

**DECISION AND ORDER**

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that Medicaid coverage for May 2011 was not established.

Accordingly, Medicaid coverage denial is UPHELD.

*William A. Sundquist*

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William A. Sundquist  
Administrative Law Judge  
For Maura D. Corrigan, Director  
Department of Human Services

Date Signed: October 26, 2011

Date Mailed: October 27, 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.

WAS/tg

cc:

