

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

IN THE MATTER OF:

[REDACTED]

Reg
Issue

Case

February

Macomb

No: 2011-16221

No: 2006

No: [REDACTED]

Hearing Date:

28, 2011

County DHS (12)

ADMINISTRATIVE LAW JUDGE: Lynn M. Ferris

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 hearing. After due notice, a hearing was conducted in [REDACTED] on February 28, 2011. The Claimant's Authorized representative, [REDACTED] appeared and testified. [REDACTED] appeared on behalf of the Department.

ISSUE

Whether the Department properly denied the Claimant's March 13, 2009 Medical Assistance ("MA-P") after the Medical Review Team review?

FINDINGS OF FACT

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

1. The Claimant filed an application for MA-P on January 27, 2010.
2. The application was denied by the Medical Review Team (MRT) on March 27, 2010. The MRT found that the Claimant was not disabled.

3. On July 7, 2010, an attorney representing the Claimant filed a retro application for Medical Assistance for the months of February and March 2010.
4. The Department denied the retroactive application on August 14, 2010, for failure to supply the requested verification information. Exhibit 1
5. The Claimant became eligible for RSDI as of April 1, 2010, with a disability onset date of October 5, 2009. Exhibit 2
6. On October 7, 2010, the Claimant's authorized representative requested that the Department activate Medicaid for the months of February and March 2010. The AR thought this should be possible since notice is being submitted within the 3 month retro period of eligibility. Claimant Exhibit 1
7. On December 21, 2010, the Claimant's AR requested a hearing on December 21, 2010, protesting the failure of the Department to provide retroactive Medicaid Coverage for February and March 2010. The hearing request was received by the Department on December 22, 2010.

CONCLUSIONS OF LAW

The Medical Assistance ("MA ") program is established by Subchapter XIX of Chapter 7 of The Public Health & Welfare Act. 42 USC 1397 and is administered by the Department of Human Services pursuant to MCL 400.10, *et. seq.* The Department of Human Services ("DHS"), formerly known as the Family Independence Agency, administers the program pursuant to MCL 400.10, *et seq* and MAC R 400.3001-3015. Departmental policies are found in the Bridges Administrative Manual ("BAM"), the

Bridges Eligibility Manual (“BEM”), and the Bridges Program Reference Manual (“PRM”).

The disability standard for both disability related MA and SSI is the same. BEM 271. A person eligible for Retirement, Survivors and Disability Insurance (RSDI) benefits based on his disability or blindness meets the disability or blindness criteria. Disability or blindness starts from the RSDI disability onset date established by the Social Security Administration (SSA). BEM 260

In the record presented, the Claimant became eligible for RSDI on April 1, 2010. BEM 260 requires that previously denied applications are to be processed as if it is a pending application when all of the following are true:

The reason for denial was that the MRT/SRT determined the client was **not** disabled or blind, **and**

The Social Security Administration (SSA) subsequently determined that the client is entitled to RSDI based on his disability/ blindness for some or all of the time covered by the denied MA application.

Follow MA policies including verification of income, assets and receipt of RSDI based on disability/blindness. All eligibility factors must be met for each month MA is authorized.

If more than one MA denial notice was issued prior to the date the client informs DHS of the RSDI approval, determine eligibility beginning with the oldest application and its retro MA months.

In this case, two denials were issued prior to the date the authorized representative advised DHS of the RSDI approval. The oldest application, dated January 27, 2010, now must be processed by the Department to determine eligibility for medical assistance. This application automatically covers the month of February and

March 2010. BEM 260, pages 11 and 12. The Department's failure to process the application is in error and is reversed.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law has determined that the Department is required to process the January 27, 2010 application for Medical Assistance and determine eligibility factors for any month coverage is sought, including February and March 2010. The Department's failure to process the January 27, 2010 application is in error and is REVERSED.

Accordingly, it is ORDERED:

The Department shall process the January 27, 2010 application for medical assistance and shall determine the Claimant's eligibility to receive medical assistance in accordance with Department policy.

Administrative
for
Department



Lynn M. Ferris
Law Judge
Maura Corrigan, Director
of Human Services

Date Signed: 03/30/11

Date Mailed: 03/30/11

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.

LMF/dj

cc:

