

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

IN THE MATTER OF:

[REDACTED]

Reg. No: 201218148
Issue No: 2027
Case No: [REDACTED]
Hearing Date: January 11, 2012
Livingston County DHS

ADMINISTRATIVE LAW JUDGE: Christopher S. Saunders

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 January 11, 2012. The claimant appeared and provided testimony and was represented by her authorized representative, [REDACTED]

ISSUES

Whether the department used the proper eligibility date in determining the claimant's eligibility for Medical Assistance (MA) benefits?

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 submitted an application for Medical Assistance (MA) benefits in November 2009 alleging disability.
2. The claimant's application was denied by the MRT and the matter subsequently went to hearing where the denial was upheld.
3. The claimant subsequently applied and was approved for SSI through the Social Security Administration.
4. The Social Security Administration assigned the claimant a disability onset date of August 1, 2009. (Department Exhibit 10).
5. The Social Security Administration stated that the claimant was eligible for SSI benefits as of March 1, 2011. (Department Exhibit 10).

6. Based on the claimant's approval for SSI benefits, the department approved the claimant's MA benefits with an eligibility date of December, 2010.
7. The claimant was notified of the eligibility determination on October 7, 2011.
8. The claimant filed a hearing request on October 21, 2011, protesting the eligibility date for MA benefits.

CONCLUSIONS OF LAW

The regulations governing the hearing and appeal process for applicants and recipients of public assistance in Michigan are found in the Michigan Administrative Code, MAC R 400.901-400.951. An opportunity for a hearing shall be granted to an applicant who requests a hearing because his claim for assistance is denied. MAC R 400.903(1)

Clients have the right to contest a department decision affective eligibility for benefit levels whenever it is believed that the decision is incorrect. BAM 600. The department will provide an administrative hearing to review the decision and determine the appropriateness of that decision. BAM 600.

The Medical Assistance (MA) program was established by Title XIX of the Social Security Act and is implemented by Title 42 of the Code of Federal Regulations (CFR). The department administers the MA program pursuant to MCL 400.10, *et seq.*, and MCL 400.105. The goal of the Medicaid program is to ensure that essential health care services are made available to those who otherwise could not afford them. Medicaid is also known as Medical Assistance (MA).

The issue at hand is as of what date the claimant should be eligible for MA benefits. Ms. Whitenburg argues that because the claimant was assigned a disability onset date of August 1, 2009 by the Social Security Administration, the onset date should dictate the MA eligibility date. Claimant cited policy at BEM 260 in support of her argument. Policy states in pertinent part:

DISABILITY/BLINDNESS ESTABLISHED

Death

Death establishes a person's disability for the month of his death.

Eligible for SSI

See BEM 150 if a person is receiving Supplemental Security Income (SSI).

Recently Eligible for SSI

If SSI eligibility based on disability or blindness was terminated due to **financial** factors, continue medical eligibility for MA. Medical development

and MRT certification are **not** initially required. Schedule a medical review 12 months from the date of SSI termination; see [BAM 815](#).

Note: The client must meet all financial and other nonfinancial factors for SSI-related MA.

Eligible for RSDI

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). This includes a person whose entire RSDI benefit is being withheld for recoupment. No other evidence is required.

RSDI Eligibility Established After MA Denial

Process a previously denied application as if it is a pending application when all of the following are true:

- The reason for denial was that the MRT 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. BEM 260.

The claimant asserts that because she was denied MA benefits due to a finding that she was not disabled, her subsequent approval for SSI benefits should prompt the department to process her previously denied application (specifically the application from November, 2009) as if it was a pending application, and to use the disability onset date established by the Social Security Administration to establish benefits eligibility in accordance with the policy cited above. The flaw in the claimant's argument is that the policy cited refers to claimants who have subsequently been approved for RSDI benefits. In the case at hand, the claimant was approved for SSI benefits. In a case where the claimant has been approved for SSI benefits, BEM 260 directs examination of BEM 150 in relation to MA eligibility.

In relation to MA eligibility for SSI recipients, BEM 150 states as follows:

MA Only

Supplemental Security Income (SSI) is a cash benefit for needy individuals who are aged (at least 65), blind or disabled. The Social Security Administration (SSA) determines SSI eligibility. In Michigan, DHS supplements federal SSI payments based on the client's living arrangement. Thus, in this item **SSI recipient** means a Michigan resident who receives the basic federal payment, the state supplement, or both.

To be **automatically** eligible for Medicaid (MA) an SSI recipient must both:

- Be a Michigan resident.
- Cooperate with third-party resource liability requirements.

DHS administers MA for SSI recipients, including a continued MA eligibility determination when SSI benefits end. Ongoing MA eligibility begins the first day of the month of SSI entitlement. Some clients also qualify for **retroactive** (retro) MA coverage for up to three calendar months prior to SSI entitlement; see BAM 115.

Policy states that for SSI recipients, MA coverage begins “the first day of the month of SSI entitlement”. Additionally, retroactive MA coverage is available to some SSI recipients. BAM 115 addresses the issue of retroactive coverage. BAM 115 states in pertinent part as follows:

RETRO MA APPLICATIONS MA Only

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.
- For SSI, entitlement to SSI.
- For department wards; see BEM 117, DEPARTMENT WARDS, TITLE IV-E AND ADOPTION RECIPIENT, the date DHS received the court order for a department ward.
- For title IV-E and special needs adoption assistance recipients; see BEM 117, DEPARTMENT WARDS, TITLE IV-E AND ADOPTION RECIPIENT, entitlement to title IV-E or special needs adoption assistance.

Policy states that a claimant who is an SSI recipient may be eligible for retroactive MA coverage back to the first day of the third calendar month prior to the claimant’s entitlement to SSI.

In the case at hand, the claimant was determined eligible for MA as a result of her receipt of SSI benefits. Although the claimant was assigned a disability onset date of August 1, 2009, the claimant became eligible for SSI benefits as of March 1, 2011. Therefore, because the claimant is eligible for SSI not RSDI benefits, the date the claimant became eligible for SSI benefits controls, not the disability onset date.

Because the claimant became eligible for SSI benefits March 1, 2011, the department properly calculated the retroactive MA eligibility date as December, 2010.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the department did properly determine the claimant's MA benefit eligibility date.

Accordingly, the department's actions are **AFFIRMED**. It is SO ORDERED.

/s/

Christopher S. Saunders
Administrative Law Judge
for Maura D. Corrigan, Director
Department of Human Services

Date Signed: February 7, 2012

Date Mailed: February 8, 2012

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 60 days of the filing of the original request.

The Claimant may appeal the Decision and Order to Circuit Court within 30 days of the receipt 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.

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