

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

IN THE MATTER OF:



Reg. No: 201256211
Issue No: 2027
Case No: [REDACTED]
Hearing Date: September 6, 2012
Macomb #36 County DHS

ADMINISTRATIVE LAW JUDGE: Kevin Scully

HEARING DECISION

This matter is before the undersigned Administrative Law Judge by authority of MCL 400.9 and MCL 400.37. Claimant's request for a hearing was received on May 30, 2012. After due notice, a telephone hearing was held on September 6, 2012.

ISSUE

Whether the Department of Human Services (Department) properly determined that the Claimant's eligibility for retroactive 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 applied for Medical Assistance (MA) on December 18, 2009.
2. On February 17, 2010, the Social Security Administration determined that the Claimant was eligible to receive Supplemental Security Income (SSI) benefits based on disability and an entitlement date of December 1, 2009.
3. On February 15, 2011, the Department's Medical Review Team (MRT) determined that the Claimant was not eligible for retroactive Medical Assistance (MA) based on disability for September of 2009.
4. On November 30, 2011, the Department notified the Claimant that it had denied his request for retroactive Medical Assistance (MA) for September of 2009.
5. The Department received the Claimant's request for a hearing on May 30, 2012, protesting the denial of retroactive Medical Assistance (MA) for September of 2009.

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), Reference Table Manual (RFT), and the Bridges Reference Manual (BRM).

The Claimant applied for Medical Assistance (MA) on December 18, 2009. On February 17, 2010, the Social Security Administration determined that the Claimant was eligible to receive Supplemental Security Income (SSI) benefits based on disability and an entitlement date of December 1, 2009.

On February 15, 2011, the Department's Medical Review Team (MRT) determined that the Claimant was not eligible for retroactive Medical Assistance (MA) based on disability for September of 2009. On November 30, 2011, the Department notified the Claimant that it had denied his request for retroactive Medical Assistance (MA) for September of 2009.

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. Department of Human Services Bridges Eligibility Manual (BEM) 150 (October 1, 2008), p 1. Retro MA coverage is available back to the first day of the third calendar month prior to for SSI, entitlement to SSI. Department of Human Services Bridges Assistance Manual (BAM) 115 (July 1, 2009), p 8.

The Department will determine eligibility for each retro MA month separately and to be eligible for a retro MA month, the person must:

- Meet all financial and nonfinancial eligibility factors in that month, and
- Have an unpaid medical expense incurred during the month, or
- Do not consider bills that the person thinks may be paid by insurance as paid bills. It is easier to determine eligibility sooner rather than later.
- Have been entitled to Medicare Part A. BAM 115, p 9.

In this case, the Claimant does not meet the nonfinancial eligibility factors for September of 2009 because there was no Supplemental Security Income (SSI) entitlement during this month and the Department's MRT had found him to be not disabled. Therefore, the Department properly denied the Claimant's request for retroactive Medical Assistance (MA) for September of 2009.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the Department properly denied the Claimant's request for retroactive Medical Assistance (MA) for September of 2009 because the Claimant did not meet the nonfinancial requirements of the program.

The Department's retroactive Medical Assistance (MA) eligibility determination is **AFFIRMED**. It is SO ORDERED.

/s/
Kevin Scully
Administrative Law Judge
for Maura D. Corrigan, Director
Department of Human Services

Date Signed: September 11, 2012

Date Mailed: September 11, 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.

KS/tb

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