

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

IN THE MATTER OF:



Reg. No. 2012787
Issue No. 2012, 2009
Case No. [REDACTED]
Hearing Date: April 18, 2012
Wayne County DHS (15)

ADMINISTRATIVE LAW JUDGE: Christian Gardocki

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, an in-person hearing was held on April 18, 2012. [REDACTED] appeared as Claimant's authorized hearing representative. On behalf of Department of Human Services (DHS), [REDACTED], and [REDACTED], Specialist, appeared and testified.

ISSUES

The first issue is whether DHS properly failed to consider Claimant's application for Medical Assistance (MA) benefits dated 1/26/11 including retroactive benefits back to 10/2010.

If it is found that Claimant submitted an Assistance Application to DHS on 1/26/11, the second issue is whether Claimant is a disabled individual by virtue of a Social Security Administration (SSA) decision finding that Claimant was disabled since 1/2010.

FINDINGS OF FACT

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

1. On 1/26/11, Claimant applied for MA benefits including a request for retroactive MA benefits back to 10/2010.
2. DHS recognized Claimant's application as being filed in 3/2011.

3. On an unspecified date, DHS denied Claimant's application based on a finding that Claimant was not disabled.
4. The DHS MA benefit denial recognized Claimant's application as being filed in 3/2011 resulting in DHS issuing no decision for 1/2011 or retroactive MA benefits.
5. On 6/2/11 Claimant requested a hearing to dispute the failure by DHS to issue a decision for 1/2011 and for failing to process Claimant's request for retroactive MA benefits.
6. On an unspecified date, SSA found Claimant was a disabled individual and that 1/16/10 was Claimant's disability onset date.

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). DHS 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).

MA provides medical assistance to individuals and families who meet financial and nonfinancial eligibility factors. The goal of the MA program is to ensure that essential health care services are made available to those who otherwise would not have financial resources to purchase them.

The date of application is the date the local office receives the required minimum information on an application or the filing form. BAM 110 at 4. If the application or filing form is faxed, the transmission date of the fax is the date of application. *Id.*

Claimant contended that DHS wrongly failed to recognize a 1/26/11 application date for MA benefits. DHS conceded that an Assistance Application was received for 3/2011, but not prior. Claimant's AHR presented evidence of a fax confirmation (Exhibit 1) for 1/26/11 for a fax number to the local DHS office. The fax confirmation was persuasive evidence that DHS received an Assistance Application for Claimant on 1/26/11. After being presented with the fax confirmation, DHS conceded that Claimant was wrongly denied an application date of 1/26/11 including the request for retroactive MA benefits.

A second issue was also raised. Claimant's AHR noted that Claimant was approved for SSA benefits and asked that DHS process Claimant's eligibility for the 1/2011 application, including retroactive benefits, subject to the finding that Claimant was a

2012787/CG

disabled individual. DHS initially contended that Claimant was not entitled to the remedy because the Medical Review Team of DHS found Claimant not to be disabled.

A person eligible for Retirement, Survivors and Disability Insurance (RSDI) benefits based on his disability or blindness meets the disability or blindness criteria. BEM 260 at 1. Disability or blindness starts from the RSDI disability onset date established by the Social Security Administration (SSA). *Id.*


The SSA approval trumps the DHS denial. SSA approved Claimant for Retirement, Survivors, Disability Insurance (RSDI) benefits with an effective onset date of 11/6/10 (see Exhibits 2-4). Claimant is a disabled individual for purposes of processing the application dated 1/26/11 including the request for retroactive MA benefits.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that DHS improperly failed to register and process MA benefits for Claimant. It is ordered that DHS:

- (1) register Claimant's application dated 1/26/11 including Claimant's request for retroactive MA benefits back to 10/2010;
- (2) process the 1/26/11 application (including retroactive coverage) subject to the finding that Claimant is a disabled individual.

The actions taken by DHS are REVERSED.


Christian Gardocki
Administrative Law Judge
For Maura Corrigan, Director
Department of Human Services

Date Signed: April 20, 2012

Date Mailed: April 20, 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 90 days of the filing of the original request.

2012787/CG

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.

CG/HW

cc:

