

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

**IN THE MATTER OF:**

[REDACTED]

Reg. No:

2012-53566

Issue No:

2009

[REDACTED]

[REDACTED]

**ADMINISTRATIVE LAW JUDGE:** Landis Y. Lain

**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 a hearing to protest the denial of claimant's application for MA. After due notice, a telephone hearing was held on [REDACTED]. Claimant did not appear. Claimant was represented at the hearing by [REDACTED].

**ISSUE**

Whether the Department of Human Services (the Department) appropriately determined claimant's disability onset date for Medical Assistance (MA) eligibility?

**FINDINGS OF FACT**

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

1. On [REDACTED] claimant filed an application with the Social Security Administration for supplemental Security Income (SSI).
2. On [REDACTED], the Social Security Administration determined that claimant was approved for SSI with a disability onset date of [REDACTED].
3. On [REDACTED], claimant's authorized representative [REDACTED] filed an application with the department for ongoing Medical Assistance and retroactive Medical Assistance for the months of [REDACTED] and [REDACTED].
4. On [REDACTED], the department caseworker sent claimant and [REDACTED] notice (Form BY-57) that claimant was not eligible for Medical Assistance for the months of [REDACTED] and [REDACTED]. Claimant was

eligible to begin medical coverage [REDACTED] based upon the Social Security Administration's decision. ([REDACTED])

5. On [REDACTED] filed a request for a hearing to contest the department's negative failure to approve retroactive Medical Assistance for [REDACTED].

### **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 Program Administrative Manual (PAM), the Program Eligibility Manual (PEM) and the Program Reference Manual (PRM).

Because of the Social Security Administration determination, it is not necessary for the Administrative Law Judge to discuss the issue of disability. PEM, Item 260.

Ongoing MA eligibility begins the first day of the month of SSI entitlement. BEM, Item 150, page 1. Some clients also qualify for **retroactive** (retro) MA coverage for up to three calendar months prior to SSI entitlement; see [BAM 115](#). Retro MA coverage is available back to the first day of the third calendar month prior to: For SSI, entitlement to SSI. BAM, Item 115, page 9.

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. BAM, Item 115, page 9. (emphasis added)

In the instant case, claimant's retroactive Medical Assistance application was filed on [REDACTED]. Thus, the retroactive dates that the department could consider would have been [REDACTED]. The retroactive Medical Assistance application was not filed in a timely manner. The department could not make a determination for [REDACTED] and [REDACTED]. There was no application filed in this case within three months of the date of service or within the first day of the third calendar month prior to the [REDACTED] application. The department's determination that claimant is not eligible to receive Medical Assistance for the months of [REDACTED] and [REDACTED] is correct because the retroactive Medical Assistance application was not filed with the department in a timely manner. The department appropriately determined that claimant's eligibility for Medical Assistance should begin [REDACTED].

**DECISION AND ORDER**

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the claimant meets the definition of medically disabled under the Medical Assistance Program [REDACTED] based upon the SSI entitlement date.

Accordingly, the department's determination that claimant was not eligible for Medical Assistance for the months of [REDACTED], is **AFFIRMED. SO ORDERED.**

/s/ \_\_\_\_\_  
Landis Y. Lain  
Administrative Law Judge  
for Maura D. Corrigan, Director  
Department of Human Services

Date Signed: [REDACTED]

Date Mailed: [REDACTED]

**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 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.

LYL/jk

cc: [REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
L.Y. Lain  
MAHS