

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

IN THE MATTER OF:

[REDACTED]

Reg No.: 2013-16430
Issue No.: 2009
Case No.: [REDACTED]
Hearing Date: May 1, 2013
Wayne County DHS (35)

ADMINISTRATIVE LAW JUDGE: Colleen M. Mamelka

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 conducted from Warren, Michigan on Wednesday, May 1, 2013. Claimant did not appear, however; Claimant's Authorized Hearing Representative ("AHR"), [REDACTED], Inc., appeared and testified. Participating on behalf of the Department of Human Services ("Department") was [REDACTED].

ISSUE

Whether the Department properly processed Claimant's application for retroactive Medical Assistance ("MA-P") benefits for November 2011 in light of the Social Security Administration's favorable determination?

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 SSA found Claimant eligible for Supplemental Security Income with a disability onset date of April 2011. (Exhibit 1)
2. Claimant/AHR submitted an application for public assistance seeking retroactive MA-P coverage for November 2011.
3. The Department did not determine MA-P eligibility for the month of November 2011. (Exhibit 2)

4. On November 27, 2012, the Department received the AHR's timely written request for hearing.

CONCLUSIONS OF LAW

The Medical Assistance 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, formerly known as the Family Independence Agency, 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 Bridges Reference Tables ("RFT").

Supplemental Security income ("SSI") is a cash benefit for needy individuals who are aged (at least 65), blind, or disabled. BEM 150 (June 2011), p. 1. The Social Security Administration ("SSA") determines eligibility. BEM 150, p. 1. Ongoing MA eligibility begins the first day of the month of entitlement. BEM 150, p. 1. Retro MA coverage is available back to the first day of the third calendar month prior to the SSI entitlement date. BAM 115 (November 2012), p. 9. An Assistance Application, DHS-1171 is not required for SSI recipients. BAM 115, p. 8.

In this case, the SSA approved Claimant for SSI benefits with a disability onset date of April 1, 2011. Claimant's Eligibility Date was January 2012, the month of application. The eligibility date is Claimant's SSI entitlement date. Pursuant to BAM 115, retro MA coverage is available back to the first day of the third calendar month prior to the SSI entitlement date. Here, Claimant seeks MA benefits for November 2011 which is within three calendar months prior to the SSI entitlement date of January 2012. As such, the Department's failure to determine MA eligibility for the month of November 2011 is not upheld.

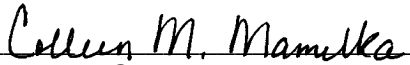
DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law finds that the Department did not act in accordance with policy when it failed to determine Claimant's MA eligibility for the requested retroactive month of November 2011.

Accordingly, it is ORDERED:

1. The Department's determination is REVERSED.
2. The Department shall determine Claimant's MA eligibility for November 2011.

3. The Department shall notify Claimant, and her Authorized Hearing Representative, in writing of the determination.
4. The Department shall supplement for lost benefits (if any) that Claimant was entitled to receive if otherwise eligible and qualified in accordance with Department policy.



Colleen M. Mamelka
Administrative Law Judge
For Maura Corrigan, Director
Department of Human Services

Date Signed: May 7, 2013

Date Mailed: May 8, 2013

NOTICE: Michigan Administrative Hearing System (MAHS) 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. MAHS 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. (60 days for FAP cases)

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.

Claimant may request a rehearing or reconsideration for the following reasons:

- A rehearing **MAY** be granted if there is newly discovered evidence that could affect the outcome of the original hearing decision.
- A reconsideration **MAY** be granted for any of the following reasons:
 - misapplication of manual policy or law in the hearing decision,
 - typographical errors, mathematical error, or other obvious errors in the hearing decision that effect the substantial rights of the claimant:
 - the failure of the ALJ to address other relevant issues in the hearing decision.

2013-16430/CMM

Request must be submitted through the local DHS office or directly to MAHS by mail at
Michigan Administrative Hearings
Reconsideration/Rehearing Request
P. O. Box 30639
Lansing, Michigan 48909-07322

CMM/tm

