

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

IN THE MATTER OF:



Reg. No.: 2013-16435
Issue No.: 2009
Case No.: [REDACTED]
Hearing Date: February 28, 2013
County: Jackson

ADMINISTRATIVE LAW JUDGE: Vicki L. Armstrong

HEARING DECISION

This matter is before the undersigned Administrative Law Judge upon Claimant's request for a hearing made pursuant to Michigan Compiled Laws 400.9 and 400.37, which govern the administrative hearing and appeal process. After due notice, an in-person hearing was commenced on February 28, 2013, in Jackson, Michigan. Claimant, represented by [REDACTED] of [REDACTED] personally appeared and testified. Participants on behalf of the Department of Human Services (Department) included Eligibility Specialist [REDACTED] [REDACTED] and Assistant Payment Supervisor [REDACTED].

ISSUE

Whether the Department of Human Services (the department) properly denied Claimant's application for Retro-Medical Assistance (Retro-MA)?

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 June 28, 2012, Claimant applied for MA-P, Retro-MA and SDA.
- (2) On August 31, 2012, the Medical Review Team (MRT) denied Claimant's MA-P and Retro-MA application indicating Claimant had a non-severe impairment. MRT denied Claimant's SDA application for lack of duration. (Department Exhibit A, pp 21-22).
- (3) On September 4, 2012, the department caseworker sent Claimant notice that his application was denied.

- (4) On December 3, 2012, Claimant filed a request for a hearing to contest the department's negative action.
- (5) On May 5, 2013, the State Hearing Review Team (SHRT) found Claimant was disabled and approved MA-P and SDA with an established onset date of June 28, 2012. SHRT denied Retro-MA. (Depart Ex. B, pp 1-2).
- (6) Claimant has a history of hepatitis C, cirrhosis, shortness of breath, kidney stones, rheumatoid arthritis, obstructive sleep apnea, and cancer.
- (7) Claimant is a 55 year old man whose birthday is [REDACTED] Claimant is 5'5" tall and weighs 215 lbs. Claimant completed the eighth grade.
- (8) Claimant had applied for Social Security disability benefits at the time of the hearing.

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) and the Reference Tables Manual (RFT).

Based on SHRT's finding that Claimant was disabled with an onset date of 11/16/11, the only remaining issue is whether Claimant is eligible for Retro-MA. Departmental policy states that 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.
BAM 115

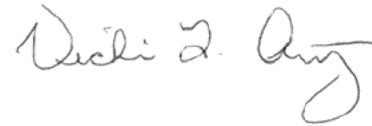
In this case, Claimant applied for MA, Retro-MA and SDA on June 28, 2012. Claimant was found Disabled by SHRT with an established onset date of June 28, 2012. According to departmental policy, "Retro-MA coverage is available back to the first day of the third calendar month prior to the current application for . . . MA." BEM 150. Therefore, based on department policy, this Administrative Law Judge finds Claimant is entitled to Retro-MA back to the first day of the third calendar month prior to his June 28, 2012, application.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides the department erred in determining Claimant was not eligible for Retro-MA according to departmental policy.

Accordingly, the department's action is **REVERSED**, and this case is returned to the local office to determine whether Claimant met all of the other financial and non-financial eligibility factors necessary to qualify for Retro-MA.

It is SO ORDERED.



Vicki L. Armstrong
Administrative Law Judge
for Maura D. Corrigan, Director
Department of Human Services

Date Signed: May 20, 2013

Date Mailed: May 20, 2013

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 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.

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