

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 201326505
Issue No.: 2012
Case No.: [REDACTED]
Hearing Date: May 22, 2013
County: Wayne DHS (19)

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 following Claimant's request for a hearing. After due notice, a telephone hearing was held on May 22, 2013, from Detroit, Michigan. Participants included [REDACTED] as Claimant's authorized hearing representative. Unspecified attempts were made to contact DHS prior to the hearing, but to no avail. The hearing concluded without DHS participation.

ISSUE

The issue is whether DHS properly processed Claimant's Medical Assistance (MA) eligibility for 5/2011.

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 8/30/11, Claimant applied for MA benefits, including retroactive MA benefits from 5/2011.
2. On an unspecified date, Claimant was approved for Supplemental Security Income (SSI) benefits, with a disability onset date of 11/209 (see Exhibit 1).
3. On an unspecified date, DHS processed Claimant's MA benefit eligibility from 6/2011.
4. On 1/17/13, Claimant requested a hearing to dispute the failure by DHS to process Claimant's MA benefit eligibility for 5/2011.

CONCLUSIONS OF LAW

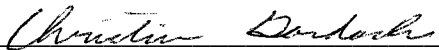
The Medical Assistance (MA) program is established by Title XIX of the Social Security Act and is implemented by Title 42 of the Code of Federal Regulations (CFR). DHS administers the MA program pursuant to MCL 400.10, et seq., and MCL 400.105. Department policies are found in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Reference Tables Manual (RFT).

Claimant's AHR testified that an MA benefit application was submitted for Claimant on 8/30/11, requesting retroactive MA benefits from DHS. Claimant's AHR requested a hearing to dispute the failure by DHS to process Claimant's MA benefit eligibility only for the benefit month of 5/2011. Retro MA coverage is available back to the first day of the third calendar month prior to the most recent application for MA recipients. BAM 115 (1/2013), p. 9.

Though DHS failed to appear for the hearing, DHS conceded in their Hearing Summary that DHS owed Claimant an eligibility determination back to 11/2009 (the disability onset date of Claimant's SSI eligibility). Claimant's AHR verified the disability onset date of 11/2009 (see Exhibit 1). Based on the presented evidence, there is no apparent basis for DHS to have not determined Claimant's MA benefit eligibility for 5/2011.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that DHS improperly failed to process Claimant's MA benefit eligibility for 5/2011. It is ordered that DHS process Claimant's MA benefit eligibility for 5/2011 subject to the finding that Claimant was 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: 6/7/2013

Date Mailed: 6/7/2013

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.

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

CG/hw

cc:

