

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 2013-28910
Issue No.: 2009
Case No.: [REDACTED]
Hearing Date: May 23, 2013
County: Genesee-06

ADMINISTRATIVE LAW JUDGE: Vicki L. Armstrong

HEARING DECISION

This matter is before the undersigned Administrative Law Judge upon the 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 May 23, 2013, at the DHS office in Genesee County. Claimant personally appeared and testified. Participants on behalf of the Department of Human Services (Department) included Eligibility Specialist [REDACTED]

ISSUE

Whether the Department of Human Services (the department) properly denied Claimant's application for Medical Assistance (MA-P) and 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 August 27, 2012, Claimant filed an application for MA-P and Retro-MA benefits alleging disability.
- (2) On November 16, 2012, the Medical Review Team (MRT) denied Claimant's application for MA-P and Retro-MA indicating that she was capable of performing past relevant work. (Depart Ex. A, pp 1-2).
- (3) On December 19, 2012, the department caseworker sent Claimant notice that her application was denied.
- (4) On February 6, 2013, Claimant filed a request for a hearing to contest the department's negative action.

- (5) On April 12, 2013, the State Hearing Review Team (SHRT) found Claimant was not disabled and retained the ability to perform past relevant work. (Depart Ex. B).
- (6) The department's witness provided this presiding Administrative Law Judge with verification of the Social Security Administration's (SSA's) decision with an SOLQ, finding Claimant was disabled with a benefit entitlement effective July 27, 2012.
- (7) The department stipulated on the record that Claimant was approved for Medicaid effective 7/27/12 in accord with the SOLQ.

CONCLUSIONS OF LAW

The Medical Assistance (MA) program is established by Subchapter XIX of Chapter 7 of The Public Health & Welfare Act, 42 USC 1397, and is administered by the Department, (DHS or department), 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).

In Michigan, the SSA's determination of disability onset is binding for MA eligibility purposes. In the present case, evidence of the favorable SSA decision conclusively establishes Claimant meets the federal standard necessary to qualify for MA pursuant to BEM Items 150 and 260.

Based on the SOLQ showing SSA found that Claimant was disabled with an onset date of July, 2012, the only remaining issue is whether Claimant is eligible for Retro-MA. Departmental policy provides 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 and Retro-MA on August 27, 2012. Claimant was found Disabled by SSA with an established onset date of July, 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 her August 27, 2012 application.

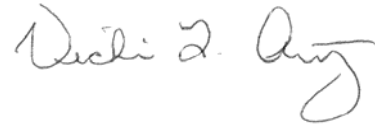
DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides the department erred in determining Claimant is not disabled.

Accordingly, the department's decision is **REVERSED**, and it is ORDERED that:

1. The department shall approve MA and Retro-MA benefits for Claimant as long as she is otherwise eligible to receive them with Retro-MA back to June, 2012.
2. Departmental review of Claimant's medical condition is not necessary as long as her SSA disability status continues.

It is SO ORDERED.



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

Date Signed: May 24, 2013

Date Mailed: May 24, 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.

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

VLA/las

cc:

