

**STATE OF MICHIGAN
STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES
ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES**

IN THE MATTER OF:

[REDACTED]

Reg. No.: 20135617
Issue No.: 2009
Case No.: [REDACTED]
Hearing Date: March 21, 2013
County: Macomb 12

ADMINISTRATIVE LAW JUDGE: Gary F. Heisler

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. After due notice, a hearing was held on March 21, 2013. Claimant was represented by [REDACTED] who appeared and testified.

ISSUE

Did the Department of Human Services properly deny Claimant's March 1, 2012 retroactive Medical Assistance (MA) application for coverage of May 2011?

FINDINGS OF FACT

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

- (1) In August 2011, [REDACTED] submitted an application for Medical Assistance (MA) on behalf of Claimant. The application was subsequently denied by the Medical Review Team.
- (2) On August 31, 2011, [REDACTED] submitted an application for Social Security Administration disability benefits on behalf of Claimant.
- (3) On February 20, 2012, the Social Security Administration sent [REDACTED] a letter stating Claimant was eligible for Supplemental Security Income (SSI). The letter states that "as of August 2011" Claimant met all the rules to be eligible for SSI based on being disabled. The letter also specified that Claimant would receive back payments starting with September 2011. Claimant did not receive back payment for August 2011.
- (4) On March 1, 2012, [REDACTED] submitted a retroactive Medical Assistance (MA) application for May and June 2011.
- (5) On October 4, 2012, [REDACTED] submitted a request for 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 Program Reference Manual (PRM).

The Department submitted a BRIDGES print out which shows that on October 4, 2012 Claimant had been approved for Medical Assistance (MA) for SSI Recipients beginning August 1, 2011. During this hearing neither party addressed the process by which Claimant was retroactively approved for Medical Assistance (MA) back to August 1, 2011. Department of Human Services Bridges Eligibility Manual (BEM) 150 provides for automatic assignment of Medical Assistance (MA) for SSI recipients identified through data match with the Social Security Administration.

██████████' request for hearing only asserts that a retroactive Medical Assistance (MA) application was submitted on March 1, 2012. Only the month of May 2011 is addressed in the request for hearing. ██████████ asserts that Claimant is eligible for retroactive Medical Assistance (MA) back to May 1, 2011 because BEM 150 states "Ongoing MA eligibility begins the first day of the month of SSI entitlement. Some clients also qualify for retroactive (retro) MA coverage for up to three calendar months prior to SSI entitlement."

The February 20, 2012 Social Security Administration letter in evidence does state that "as of August 2011" Claimant met all the rules to be eligible for SSI based on being disabled. However, SSA only paid Claimant benefits beginning with the month of February 2011. Based on the payment made by SSA, Claimant's first month of SSI entitlement was September 2011 not August 2011.

The fact that Michigan's Department of Human Services started Claimant's Medical Assistance (MA) for SSI recipients on August 1, 2011 does not mean her first month of SSI entitlement was August 2011. Only the Social Security Administration determines the first month of SSI entitlement. Because SSA made September 2011 Claimant's first month of SSI entitlement, BEM 150 limits retroactive MA to June 1, 2011.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides the Department of Human Services properly denied Claimant's March 1, 2012 retroactive Medical Assistance (MA) application for coverage of May 2011.

It is ORDERED that the actions of the Department of Human Services, in this matter, are UPHeld.

/s/
Gary F. Heisler
Administrative Law Judge
for Maura D. Corrigan, Director
Department of Human Services

Date Signed: 4/24/13

Date Mailed: 4/29/13

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

GFH/tb

cc:

