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

IN THE MATTER OF:



Reg. No.: Issue No.: Case No.: Hearing Date: June 17, 2013 County:

2013 23422 2027, 2012

Oakland (04)

ADMINISTRATIVE LAW JUDGE: Lynn M. Ferris

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, an in person hearing was held on June 17, 2013, from Detroit, Michigan. Participants on behalf of Claimant included . The Claimant's Authorized Hearing Representative. Participants on behalf of the Department of Human Services (Department) included Example 5, ES.

ISSUE

Did the Department properly fail to process the Claimant's July 2012 retro Medical Assistance application covering retro month of January 2012?

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 Department approved the Claimant's eligibility for Medical Assistance based upon an application filed March 28, 2012.
- 2. The Claimant's AHR filed a retroactive Medical Assistance Application in July 2012 seeking coverage for January 2012.
- 3. The Claimant was approved for SSI effective in April 2012.
- 4. The Claimant's AHR requested a hearing December 21, 2012 protesting the failure of the Department to process retro Medical Assistance.

CONCLUSIONS OF LAW

Department policies are contained in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM), and the Reference Tables Manual (RFT).

The Medical Assistance (MA) program is established by the 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 (formerly known as the Family Independence Agency) administers the MA program pursuant to MCL 400.10, *et seq.*, and MCL 400.105.

Additionally, in this case the evidence presented indicated that the Claimant was found eligible for SSI by the Social Security Administration in April 2012. The Claimant's AHR filed a retro active MA application in July 2012. The Application was never processed by the Department. Based upon the applicable policy found in BAM 115, pp. 9 Department policy provides that when SSI is awarded, retro MA is available back to the first day of the third calendar month prior to the SSI entitlement. Therefore based upon the evidence presented it is determined that the Department must process the Claimant's request of retro MA retroactive to January 2012.

DECISION AND ORDER

The Administrative Law Judge, based upon the above Findings of Fact and Conclusions of Law, and for the reasons stated on the record, finds that the Department

did act properly when

⊠ did not act properly when when it did not afford the Claimant retroactive Medical Assistance Coverage with respect to the Medical Assistance application dated March 28, 2012 as the Claimant was SSI eligible as of April 2012.

Accordingly, the Department's AMP FIP FIP AP MA SDA CDC decision is AFFIRMED REVERSED for the reasons stated on the record.

THE DEPARTMENT IS ORDERED TO DO THE FOLLOWING WITHIN 10 DAYS OF THE DATE OF MAILING OF THIS DECISION AND ORDER:

1. The Department shall initiate and effectuate the Claimant's retroactive Medical Assistance for January 2012 based upon the Claimant's SSA SSI eligibility date of April 2012.

2. The Department shall provide notice to the Claimant's AHR when the retroactive Medical Assistance coverage and eligibility is effective.

Lynn M. Ferris Administrative Law Judge for Maura Corrigan, Director Department of Human Services

Date Signed: July 9, 2013

Date Mailed: July 9, 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 <u>MAY</u> 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 affect the substantial rights of the claimant,
 - 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

LMF/cl

