

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

IN THE MATTER OF:

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Reg. No.: 2013-39369
Issue No.: 2012
Case No.: ██████████
Hearing Date: July 11, 2013
County: Wayne (19)

ADMINISTRATIVE LAW JUDGE: Zainab Baydoun

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 July 11, 2013, from Detroit, Michigan. Claimant's Authorized Hearing Representative, ██████████ appeared and testified. Participating on behalf of the Department of Human Services (Department) was ██████████ Assistance Payment Supervisor, and ██████████ Eligibility Specialist.

ISSUE

Did the Department properly process Claimant's Medical Assistance (MA) application?

FINDINGS OF FACT

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

1. On November 4, 2009 Claimant submitted an application for MA, retroactive to October 2009. (Exhibit A and Exhibit B)
2. Claimant became entitled to receive Supplemental Security Income (SSI) effective November 2009. (Exhibit 3 and Exhibit A)
3. The Department did not register or process Claimant's November 4, 2009 MA application, retroactive to October 2009.

4. On April 2, 2013, Claimant filed a hearing request, disputing the Department's actions and requesting that the Department activate MA coverage for November 2009 ongoing and process the retroactive MA application to determine eligibility for MA for the period of October 2009.

CONCLUSIONS OF LAW

Department policies are found in the Department of Human Services 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.

BEM 150 provides that ongoing MA eligibility begins the first day of the month of SSI entitlement. Some clients also qualify for retroactive MA coverage for up to three calendar months prior to SSI entitlement. See BAM 115. BEM 150 (October 2009), p. 1; BAM 115 (October 2009), p. 9. The Department can use a copy of a current SSI award letter from the Social Security Administration (SSA) or an SOLQ to verify that a client is entitled to receive SSI and the effective date of the entitlement. BEM 150, p. 7.

In this case, on November 4, 2009, Claimant submitted an application for MA, retroactive to October 2009 that was never processed by the Department. (Exhibit A and Exhibit B). At the hearing, the Department testified that it never received the applications; however, Claimant provided verification that they were submitted. (Exhibit A and Exhibit B). Additionally, at the hearing, Claimant presented an SSI Notice of Award letter dated October 3, 2012, from the SSA establishing that as of November 2009, Claimant became eligible for SSI. (Exhibit A). The Department provided an SOLQ which also confirms that Claimant receives SSI and that her disability onset date was November 2009. (Exhibit 3). BEM 150, p. 7.

Because MA eligibility begins the first day of the month of the SSI entitlement, the Department did not act in accordance with Department policy when it failed to provide Claimant with the appropriate MA for the period beginning November 2009. Further, the Department did not act in accordance with Department policy when it failed to process and determine Claimant's eligibility for MA retroactive to October 2009. BEM 150 p. 1; BAM 115, p. 9.

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 not act

in accordance with Department policy when it failed to provide Claimant with the appropriate MA benefits for the period beginning November 2009 and when it failed to process and determine Claimant's eligibility for MA retroactive to October 2009. Accordingly, the Department's decision is REVERSED.

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

1. Activate the appropriate MA coverage for Claimant for November 2009 ongoing, as this is the date that she became entitled to receive SSI;
2. Register and process the MA application retroactive to October 2009 to determine eligibility for MA benefits;
3. Begin issuing supplements to Claimant for any MA coverage that she was entitled to receive but did not from October 2009 ongoing in accordance with Department policy; and
4. Notify Claimant of its decision in writing in accordance with Department policy.



Zainab Baydoun

Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: August 2, 2013

Date Mailed: August 2, 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:

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- 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

ZB/cl

cc:

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