

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 2013-47519
Issue No.: 2018
Case No.: [REDACTED]
Hearing Date: July 31, 2013
County: Wayne (82-82)

ADMINISTRATIVE LAW JUDGE: Jonathan W. Owens

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 31, 2013, from Detroit, Michigan. Participants on behalf of Claimant included [REDACTED]. Participants on behalf of the Department of Human Services (Department) included [REDACTED].

ISSUE

Did the Department properly process Claimant's request for reprocessing an application for Medical Assistance (MA) dated December 8, 2010, and January 27, 2011, including a request for retro MA back to October 2010?

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 December 8, 2010, and January 27, 2011, an application for MA benefits was submitted on behalf of Claimant.
2. On January 3, 2011, Claimant's application was denied by the Department after the Medical Review Team determined that Claimant was not disabled.
3. On May 2, 2011, the Social Security Administration (SSA) issued a fully favorable determination finding Claimant disabled as of July 20, 2009.

4. On March 20, 2012, a request for reprocessing of the request for MA benefits was submitted to the Department based upon the fully favorable SSA determination.
5. On May 9, 2013, Claimant's representative requested a hearing to prompt processing of their request to reprocess Claimant's request for MA benefits.

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.

In the instant case, Claimant had filed an application for MA benefits on December 8, 2010, and his representative filed a subsequent application on January 27, 2011, with a request for retro benefits back to October 2010. The Department denied the December 8, 2010, application on January 3, 2011, indicating that Claimant was not disabled. On May 2, 2011, SSA found Claimant disabled as of July 20, 2009. On March 20, 2012, Claimant's representative requested the Department reprocess the MA applications in accordance with BEM 260.

On May 9, 2013, Claimant's representative filed a hearing request to prompt processing of their March 20, 2012, request to process Claimant's previous applications in accordance with BEM 260.

BEM 260 requires the Department to process a previously denied application as if it is a pending application when the reason for denial was that the MRT determined the client was not disabled or blind, and SSA subsequently determined that the client is entitled to RSDI based on his disability/ blindness for some or all of the time covered by the denied MA application. As Claimant's representative asserted, Claimant's application was denied based upon the MRT finding that Claimant was not disabled. Following this decision, SSA determined that Claimant was disabled during the period the application for benefits was requested. Therefore, the Department should have processed Claimant's representative's request for MA based upon the SSA decision.

Based upon the above Findings of Fact and Conclusions of Law, and for the reasons stated on the record, the Administrative Law Judge concludes that the Department failed to process the request for MA based upon a subsequent SSA approval.

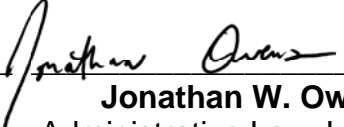
DECISION AND ORDER

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. did not act properly.

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. Initiate processing of Claimant's request for MA back to October 2010 in accordance with BEM 260;
2. Issue a written determination.



Jonathan W. Owens
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: August 7, 2013

Date Mailed: August 7, 2013

NOTICE OF APPEAL: 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 or reconsideration was made, within 30 days of the receipt date of the Decision and Order of Reconsideration or Rehearing Decision.

A Request for Rehearing or Reconsideration may be granted when one of the following exists:

- Newly discovered evidence that existed at the time of the original hearing that could affect the outcome of the original hearing decision;
- Misapplication of manual policy or law in the hearing decision which led to a wrong conclusion;
- Typographical, mathematical or other obvious error in the hearing decision that affects the rights of the client;
- Failure of the ALJ to address in the hearing decision relevant issues raised in the hearing request.

The Department, AHR or the claimant must specify all reasons for the request. MAHS will not review any response to a request for rehearing/reconsideration. A request must be received in MAHS within 30 days of the date the hearing decision is mailed.

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The written request must be faxed to (517) 335-6088 and be labeled as follows:

Attention: MAHS Rehearing/Reconsideration Request

If submitted by mail, the written request must be addressed as follows:

Michigan Administrative Hearings
Reconsideration/Rehearing Request
P.O. Box 30639
Lansing, Michigan 48909-07322

JWO/pf

cc:

