

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

IN THE MATTER OF:

[REDACTED]

Reg. No: 20133173
Issue No: 2009
Case No: [REDACTED]
Hearing Date: February 7, 2013
Sanilac County DHS

ADMINISTRATIVE LAW JUDGE: William A. Sundquist

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37 upon the Claimant's request for a hearing. After due notice, an in person hearing was held on Thursday, February 7, 2013. Claimant appeared with her ADVOMAS, [REDACTED] Participants on behalf of the Department of Human Services (Department) included [REDACTED].

ISSUE

1. Was a timely hearing requested?
2. Was eligibility, for retro-Medicaid, established?

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, 2009 the claimant applied for Medicaid (without retro), was denied on March 26, 2010 per BEM 260, and requested a hearing on September 26, 2012.
2. On September 21, 2009 SSI was approved beginning October, 2009.
3. Claimant wants retro coverage for August, 2009 per BEM 150, Pg. 1 and BEM 150, Pg. 9.

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 Bridges Reference Manual (BRM).

The Adult Medical Program (AMP) is established by Title XXI of the Social Security Act; (1115)(a)(1) of the Social Security Act, and is administered by the Department of Human Services (DHS or department) pursuant to MCL 400.10, *et seq.* Department policies are contained in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Bridges Reference Manual (BRM).

Facts above are undisputed.

A claimant shall be provided 90 days from the mailing of the notice in R400.902 to request a hearing. ...R400.904(4).

Claimant's request for a hearing was more than 90 days after the negative case action notice, and is not entitled to a hearing decision.

Assume a timely hearing request had been established. 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; See BAM 115. ...BAM 115, Pg. 1.

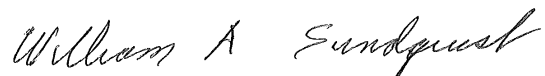
Retro application for Medicaid coverage is available back to the first day of the third calendar month prior to SSI entitlement. ...BAM 115, Pg. 9.

Claimant did not submit a retro Medicaid application in this case.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that a timely hearing request was not established.

Accordingly, claimant's hearing request is **DISMISSED**, and retro Medicaid denial is **UPHELD** and so ORDERED.



William A. Sundquist
Administrative Law Judge
For Maura D. Corrigan, Director
Department of Human Services

Date Signed: April 5, 2013

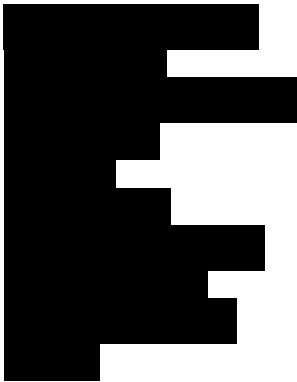
Date Mailed: April 5, 2013

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.

WAS/hj

cc:

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