

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

IN THE MATTER OF:

██████████
██████████
██████████

Reg. No.: 2013 41783
Issue No(s): 2009
Case No.: ██████████
Hearing Date: August 12, 2013
County: Wayne County DHS 82

ADMINISTRATIVE LAW JUDGE: Lynn M. Ferris

DECISION AND ORDER

Following Claimant's request for a hearing, this matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and 400.37; 42 CFR 431.200 to 431.250; and 45 CFR 205.10. After due notice, a telephone hearing was held on August 12, 2013, from Detroit, Michigan. Participants on behalf of Claimant included the Claimant. ██████████ appeared as the Claimant's Authorized Hearing Representative (AHR). Participants on behalf of the Department of Human Services (Department) included ██████████, Eligibility Specialist.

After the hearing, the Authorized Hearing Representative presented evidence that the Claimant has received a fully favorable decision from the Social Security Administration (SSA) which approved the Claimant for SSI. The SSA approved the Claimant with an onset date of December 1, 2012.8/12.

ISSUE

Did L&S Associates have authority to represent the Claimant when it filed and executed the Facility Admission Notice and Filing Form dated November 30, 2012?

FINDING OF FACTS

1. The Claimant's AHR submitted an application for MA-P (1171) dated 2/12/13.
2. The Claimant authorized L&S Associates to serve as her Authorized Representative on December 13, 2012.
3. L&S Associates completed a filing form and Facility Admission Notice both dated November 30, 2012. The Claimant did not sign either form.
4. The Claimant's AHR requested a hearing on April 19, 2013 after the MRT denial dated January 25, 2013.
5. The Social Security Administration found Claimant disabled and eligible for SSI as of December 1, 2012.

6. The November 30, 2012 Filing Form was intended to preserve retroactive eligibility to August 1, 2012.

CONCLUSIONS OF LAW

In this case the Claimant has been approved for SSI by the Social Security Administration effective December 2012 and the only issue remaining is whether the filings made by the Claimants' AHR preserved retroactive application of the of the Claimant's application for medical assistance for the month of August 2012. However, in this case the Filing Form filed by the AHR on November 30, 2012 to cover August 2012 retro active eligibility was not authorized by the Claimant. The Claimant did not authorized L&S to represent her until December 13, 2012. For the following reasons it is determined retroactive coverage for Medical Assistance only goes retro to September 2012. The Claimant's AHR when it filed the Filing Form dated 11-30-12 did not have authority from the Claimant to represent her. The Claimant signed an Authorization to Represent authorizing L&S to represent her on December 13, 2013 and thus representation begins as of that date.

A review of the relevant policy follows. Receipt of a completed Facility Admission Notice (MSA-2565-C) serves as a request for Medical Assistance ("MA") benefits. BAM 110 An application or filing form, whether faxed, mailed, or received from the internet, must be registered with the receipt date, **if** it contains at least the name of the applicant, birth date of the applicant (not required for FAP), address of the applicant (unless homeless), **and signature of the applicant/authorized representative.** BAM 105. An application with the minimum information listed must be registered in Bridges using the receipt date as the application date even if it does not contain enough information needed to determine eligibility. BAM 105. If an application/filing form does not contain the minimum information (i.e. signature), the Department is required to send it back to the client along with a DHS-330, Notice of Missing Information, informing the client of the missing information. BAM 105. **The date of application is the date the local office receives the required minimum information** on an application. BAM 110 Retro-MA coverage is available back to the first day of the third calendar month prior to the **application date.** BAM 115

Application for MA benefits may be made on behalf of a client by the spouse, parent, legal guardian, adult child, stepchild, specified relative, or any other person provided the person is at least age 18 or married. BAM 100 If the person is not a spouse, parent, legal guardian, adult child, stepchild, or specified relative, the person must have a signed authorization to act on behalf of the client, by the client, client's spouse, parent(s), or legal guardian. BAM 100 The application form must be signed by the client or the individual acting as the Authorized Representative ("AR").

BPG defines: Application Date

The date an application/DHS-1171-F, Filing Document, with minimum required information, is received by the local office or, per BAM 120, received by DCH.

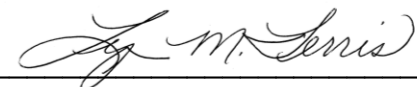
Any person, regardless of age, or his authorized representative, may apply for assistance. BAM 110 An AR is a person who applies for assistance on behalf of the client and/or otherwise acts of his behalf. BAM 110 For MA purposes, an AR must be an adult child or stepchild; a specified relative; designated in writing by the client; court appointed; or a representative of an institution (such as jail or prison) where the client is in custody. BAM 110 An application may be made for a deceased person. BAM 110

Eligibly for SSI automatically allows medical coverage for the 3 months prior to the application. To be automatically eligible for MA, an SSI recipient must be a Michigan resident and cooperate with third-party resource liability requirements. BEM 150 (1/1/14), p. 1. Ongoing MA eligibility begins the first day of the month of SSI entitlement. BEM 150, p. 1. Retro MA coverage is available back to the first day of the third calendar month prior to entitlement for SSI. BAM 115 (October 2012), p. 9. A separate determination of eligibility must be made for each of the three retro months. BAM 115, p. 10. To be eligible for a retro MA month, the person must meet all financial and non-financial (i.e., be disabled) factors in that month and have unpaid medical expense incurred during the month or have been entitled to Medicare Part A. BAM 115, p. 11. A DHS-1171 (application) is not required for SSI recipients. BAM 115, p. 8.

Based upon the foregoing, it is determined that the application date is December 13, 2012 and thus the month of August is not included as an eligible retro month as it is not within the three month period.

Accordingly, it is ORDERED:

1. The Department's determination that Claimant is not disabled is not upheld.
2. The Department shall initiate processing of Claimant's application for MA-P (Filing Form dated November 30, 2012) effective as of December 13, 2012 for MA-P and to determine if all other non-medical criteria are met pursuant to Department policy based on the SHRT determination.
3. The Department shall notify Claimant and the Authorized Hearing Representative in writing of the determination in accordance with Department policy.



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

Date Signed: April 15, 2014

Date Mailed: April 16, 2014

NOTICE OF APPEAL: 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.

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).

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.

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

LMF/tm

cc:

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]