

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

**IN THE MATTER OF:**

[REDACTED]  
[REDACTED]  
[REDACTED]

Reg. No.: 2014-9003  
2013-3173 REHD  
Issue No(s): 2001  
Case No.: [REDACTED]  
Hearing Date: February 3, 2014  
County: Sanilac

**ADMINISTRATIVE LAW JUDGE:** Jonathan W. Owens

**RE-HEARING DECISION**

Following Claimant's request for a hearing, this matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and 400.37; 7 CFR 273.15 to 273.18; 42 CFR 431.200 to 431.250; 45 CFR 99.1 to 99.33; and 45 CFR 205.10. After due notice, an in-person hearing was held on February 3, 2014, from Sandusky, Michigan. Participants on behalf of Claimant included [REDACTED]. Participants on behalf of the Department of Human Services (Department) included [REDACTED].

**PROCEDURAL HISTORY**

1. On September 26, 2012, Claimant's representative filed a hearing request to prompt the Department to process a request for retro Medical Assistance (MA) benefits back to August 2009.
2. On February 7, 2013, a hearing was held.
3. On April 5, 2013, a hearing decision and order was issued DISMISSING the hearing request and UPHOLDING the Department's retro MA denial.
4. On April 12, 2013, Claimant's representative requested reconsideration of the decision and order issued on April 5, 2013.
5. On October 28, 2013, an Order Granting Request for Reconsideration was issued vacating the April 5, 2013, hearing decision and order.

### **ISSUE**

Did the Department properly process Claimant's request for Medical Assistance (MA) benefits back to August 2009 based upon a favorable Social Security Administration (SSA) ruling?

### **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 August 27, 2009, an application for MA benefits was submitted by Claimant's representative.
2. On March 23, 2010, the Medical Review Team (MRT) denied Claimant's request for MA benefits.
3. On March 26, 2010, a notice of case action was issued to Claimant's representative.
4. On November 1, 2009, Claimant applied for Social Security Income (SSI) benefits.
5. On October 10, 2011, SSA found Claimant disabled as of September 21, 2009.
6. On December 6, 2011, Claimant's representative emailed a request for the Department to activate MA coverage in accordance with the SSA approval and requested the Department process the retro months for the month of August 2009.
7. On September 26, 2012, Claimant's representative filed a hearing request to prompt the Department to process Claimant's MA case benefits for the month of August 2009.

### **CONCLUSIONS OF LAW**

Department policies are contained in the Department of Human Services Bridges Administrative Manual (BAM), Department of Human Services Bridges Eligibility Manual (BEM), Department of Human Services Reference Tables Manual (RFT), and Department of Human Services Emergency Relief Manual (ERM).

The Medical Assistance (MA) program is established by the Title XIX of the Social Security Act, 42 USC 1396-1396w-5, and is implemented by 42 CFR 400.200 to 1008.59. The Department of Human Services (formerly known as the Family Independence Agency) administers the MA program pursuant to MCL 400.10 and MCL 400.105.

According to BEM 150, p. 1, 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.

According to BAM 115, pp. 9-10, retro MA coverage is available back to the first day of the third calendar month prior to an entitlement to SSI. A person might be eligible for one, two or all three retro months, **even if not** currently eligible. The DHS-3243, Retroactive Medicaid Application, is used to apply for retro MA. Only one DHS-3243 is needed to apply for one, two or all three retro MA months.

On December 6, 2011, a request for MA benefits based upon an SSA determination was made on behalf of Claimant. The Department activated MA coverage back to October 2009 based upon the SSA finding. The Department, however, has not granted MA coverage back to August 2009, which would fall within the 3 months of retro that may be available. The Department, instead, has maintained the months in question had been considered previously by MRT and denied. Claimant and/or her representative failed to appeal this prior denial. The Department never issued a notice of case action addressing the request for MA benefits back to August 2009 based upon the SSA determination. Claimant's representative asserts the 3 months retro needs to be considered in light of the subsequent SSA determination. The Department would need to make a determination based upon the medical documentation submitted as to whether the month of August 2009 would be added. This would include registering the request and issuing a notice of case action.

In sum, this Administrative Law Judge finds the Department is required to process Claimant's request for MA benefits in accordance with the SSA determination and consider eligibility for retro months requested. This Administrative Law Judge, however, finds Claimant's request to utilize the SSA determination to activate the month of August 2009 to be without merit. As indicated by the above-mentioned policy, the month of August 2009 may be considered, but coverage is not automatic. The policy requires a determination.

### **DECISION AND ORDER**

Accordingly, the Department's decision is REVERSED.

THE DEPARTMENT IS ORDERED TO BEGIN DOING THE FOLLOWING, IN ACCORDANCE WITH DEPARTMENT POLICY AND CONSISTENT WITH THIS HEARING DECISION, WITHIN 10 DAYS OF THE DATE OF MAILING OF THIS DECISION AND ORDER:

1. Process Claimant's request for MA benefits back to August 2009 in accordance with policy;

2. Issue a notice of case action.



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

Date Signed: March 5, 2014

Date Mailed: March 6, 2014

**NOTICE:** The law provides that within 30 days of receipt of this decision, the claimant may appeal this decision to the circuit court for the county in which he/she lives.

JWO/pf

cc:

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