

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 201430335
Issue No.: 2001, 2002, 2004
Case No.: [REDACTED]
Hearing Date: April 8, 2014
County: Calhoun County DHS

ADMINISTRATIVE LAW JUDGE: Kevin Scully

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, a telephone hearing was held on April 8, 2014, from Lansing, Michigan. Participants on behalf of Claimant included [REDACTED], as authorized hearing representative on behalf of the Claimant. Participants on behalf of the Department of Human Services (Department) included [REDACTED].

ISSUE

Whether the Department of Human Services (Department) properly deny Medical Assistance (MA) for July and August of 2013?

FINDINGS OF FACT

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

1. The Claimant applied for Medical Assistance (MA) on September 5, 2013, with a request for retroactive benefits.
2. The Claimant's application for benefits was denied on November 1, 2013, for failure to provide the Department with information necessary to determine her eligibility to receive benefits.
3. The Claimant was approved for Supplemental Security Income (SSI) benefits on September 30, 2013.
4. The Claimant's representative submitted an application for retroactive Medical Assistance (MA) on February 12, 2014, requesting benefits as of June 1, 2014.
5. On February 12, 2014, the Department denied the Claimant's request for Medical Assistance (MA) for July and August of 2013, for failure to provide the

Department with information necessary to determine her eligibility to receive benefits.

6. The Department received the Claimant's request for a hearing on February 25, 2014, protesting the denial of retroactive benefits.

CONCLUSIONS OF LAW

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.

Supplemental Security Income (SSI) is a cash benefit for needy individuals who are aged (at least 65), blind or disabled. The Social Security Administration (SSA) determines SSI eligibility. Department of Human Services Bridges Eligibility Manual (BEM) 150 (January 1, 2014), p 1,

On September 5, 2013, the Department received a request for Medical Assistance (MA) and retroactive coverage. This application was denied on November 1, 2013, for failure to provide the Department with information necessary to determine her eligibility to receive benefits.

The Claimant was approved for Supplemental Security Income (SSI) benefits on September 30, 2013. The Claimant's representative submitted an application for retroactive Medical Assistance (MA) on February 12, 2014, requesting benefits as of June 1, 2014. On February 12, 2014, the Department denied the Claimant's request for Medical Assistance (MA) for July and August of 2013, for failure to provide the Department with information necessary to determine her eligibility to receive benefits.

Based on the evidence and testimony available during the hearing, this Administrative Law Judge finds that the Claimant was eligible for Medical Assistance (MA) as of June 1, 2013, based on her receipt of Supplemental Security Income (SSI) benefits. The Claimant was not found to be not eligible for Medical Assistance (MA) for the retroactive months based on non-medical criteria. Therefore, the Department had a duty to evaluate the Claimant's eligibility for Medical Assistance (MA) in light of her Supplemental Security Income (SSI) benefits.

The Department failed to establish that the February 12, 2014, denial of retroactive Medical Assistance (MA) was a proper application of policy.

DECISION AND ORDER

The Administrative Law Judge, based on the above Findings of Fact and Conclusions of Law, and for the reasons stated on the record, if any, finds that the Department did not act in accordance with Department policy when it denied retroactive Medical Assistance (MA) for July and August of 2013.

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. Initiate a review of all non-medical eligibility criteria for retroactive Medical Assistance (MA) benefits for July and August of 2013.
2. Provide the Claimant with a Notice of Case Action (DHS-1605) describing the Department's revised eligibility determination.
3. Issue the Claimant any retroactive benefits she may be eligible to receive, if any.



Kevin Scully
Administrative Law Judge
for Maura D. Corrigan, Director
Department of Human Services

Date Signed: April 15, 2014

Date Mailed: April 15, 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;

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- 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

KS/hj

cc:

