

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

IN THE MATTER OF:



Reg. No.: 201430400
Issue No.: 2001
Case No.: [REDACTED]
Hearing Date: April 14, 2014
County: Wayne (15)

ADMINISTRATIVE LAW JUDGE: Alice C. Elkin

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 14, 2014, from Detroit, Michigan. Participants on behalf of Claimant included [REDACTED], hearing representative with [REDACTED]; Claimant's authorized hearing representative (AHR). Participants on behalf of the Department of Human Services (Department) included [REDACTED], Eligibility Specialist.

ISSUE

Did the Department properly process Claimant's Medical Assistance (MA) application?

FINDINGS OF FACT

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

1. Claimant applied for MA in April 2012 and on October 18, 2012.
2. The Department approved Claimant for MA effective October 1, 2012 and her MA coverage continued until December 31, 2013.
3. The Social Security Administrative (SSA) found Claimant disabled as of July 2010 and entitled to Retirement, Survivors and Disability Insurance (RSDI) disability benefits as of December 1, 2010.
4. On February 20, 2014, the AHR filed a request for hearing requesting that the Department reprocess MA applications submitted by Claimant.

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.

Additionally, a disabled individual who meets the financial and other eligibility factors is eligible for MA. BEM 105 (January 2014), p. 1. A person eligible for RSDI benefits based on her disability meets the MA disability criteria. BEM 260 (July 2013), p. 1. Disability starts from the RSDI disability onset date established by the SSA. BEM 260, pp. 1-2. If SSA approved a client for RSDI based on a disability, the Department must reprocess a previously denied MA application as if it is a pending application when all of the following are true: (i) the reason for denial was that the MRT determined the client was **not** disabled or blind, **and** (ii) 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. BEM 260, p. 2.

In this case, the AHR contended that the Department was required to reprocess an October 18, 2012 MA application based on the SSA's finding that Claimant was disabled as of July 2010 and eligible for RSDI benefits as of December 2010. At the hearing, the Department established that Claimant's October 18, 2012 MA application was processed and Claimant was approved for MA coverage from October 1, 2012 to December 31, 2012. While the AHR argued that the Department was required to process Claimant's application for retroactive coverage, the AHR acknowledged that no application for retroactive MA benefits had been filed as of the hearing date. Therefore, the Department properly processed the October 18, 2012 MA application.

At the hearing, the Department testified that Claimant had also filed an MA application in April 2012 that was denied. It is unclear from the evidence presented whether the denial of that application was based on an MRT determination that Claimant was not disabled. Because Claimant was found disabled by SSA as of July 2010, to the extent that the denial of the April 2012 application was based on an MRT determination that Claimant was not disabled, the Department must reprocess that application to determine her MA eligibility as of that application date.

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 properly provided MA coverage to Claimant under the October 18, 2012 application but failed to

satisfy its burden of showing that it acted in accordance with Department policy when it failed to reprocess the April 2012 application.

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. Reprocess Claimant's April 2012 MA application for financial eligibility **if** the application was originally denied due to MRT's finding that Claimant was not disabled; and
2. Provide Claimant with MA coverage she is eligible to receive pursuant to the April 2012 application.



Alice C. Elkin

Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: April 30, 2014

Date Mailed: April 30, 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.

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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

ACE/tif

cc:

