

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

IN THE MATTER OF:



Reg. No.: 2014-31447
Issue No.: 2009
Case No.: [REDACTED]
Hearing Date: July 15, 2014
County: Ogemaw

ADMINISTRATIVE LAW JUDGE: Vicki L. Armstrong

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; 42 CFR 431.200 to 431.250; and 45 CFR 205.10. After due notice, an in-person hearing was held on July 15, 2014, at the Ogemaw County Department of Human Services (Department) office. Claimant, represented by [REDACTED] of [REDACTED] personally appeared and testified. Participants on behalf of the Department of included Eligibility Specialist [REDACTED].

ISSUE

Did the Department properly deny Claimant's Medicaid (MA) and Retro-MA application based on a finding he lacks a legally disabling condition?

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 May 10, 2013, Claimant applied for MA/Retro-MA.
2. When the Department denied that application, Claimant requested a hearing by written notice dated March 7, 2014.
3. While his appeal was pending, the Department's representative provided proof that Claimant was determined disabled by the Social Security Administration (SSA), with onset established as of October 1, 2013, by submitting a copy of the Social Security Fully Favorable Decision dated 5/9/14.

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 Reference Tables Manual (RFT).

In Michigan, the SSA's determination of disability onset is binding for MA/Retro-MA eligibility purposes. In the present case, evidence of the favorable SSA decision conclusively establishes Claimant meets the federal standard necessary to qualify for MA pursuant to BEM Items 150 and 260.

The updated evidence submitted while Claimant's MA/Retro-MA hearing was pending shows Claimant was determined disabled as of October 1, 2013. Consequently, the Department must reverse its erroneous denial and process Claimant's disputed application in accordance with Departmental policy.

Furthermore, based on the Social Security Administration's finding that Claimant was disabled, the only remaining issue is whether Claimant is eligible for Retro-MA. According to Departmental policy, some clients also qualify for retroactive (retro) MA coverage for up to three calendar months prior to SSI entitlement; see BAM 115. BEM 150.

Departmental policy states that Retro-MA coverage is available back to the first day of the third calendar month prior to:

- The current application for FIP and MA applicants and persons applying to be added to the group.
- The most recent application (not redetermination) for FIP and MA recipients.
BAM 115

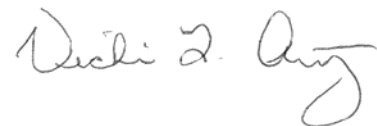
In this case, Claimant applied for MA and Retro-MA on May 11, 2013. Claimant was found Disabled by the Social Security Administration Disability Determination Service with an established onset date of October 1, 2013. According to Departmental policy, "Retro-MA coverage is available back to the first day of the third calendar month prior to the current application for . . . MA." BEM 150. Therefore, based on Department policy, this Administrative Law Judge finds Claimant is entitled to Retro-MA back to the first day of the third calendar month prior to his May 10, 2013, application.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides the Department erred in determining Claimant is not disabled.

Accordingly, the Department's decision is **REVERSED**, and it is ORDERED that:

1. The Department shall approve MA/Retro-MA benefits for Claimant as long as he is otherwise eligible to receive them.
2. Departmental review of Claimant's medical condition is not necessary as long as his SSA disability status continues.



Vicki L. Armstrong
Administrative Law Judge
for Maura D. Corrigan, Director
Department of Human Services

Date Signed: July 22, 2014

Date Mailed: July 22, 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

VLA/las

cc:

