

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 14-007675
Issue No.: 2001
Case No.: [REDACTED]
Hearing Date: September 10, 2014
County: Wayne (31)

ADMINISTRATIVE LAW JUDGE: Christian Gardocki

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 September 10, 2014, from Detroit, Michigan. Participants included the above-named Claimant, [REDACTED], Claimant's mother, testified and appeared on behalf of Claimant. [REDACTED] testified and appeared as Claimant's authorized hearing representative (AHR). Participants on behalf of the Department of Human Services (DHS) included [REDACTED], Hearings Facilitator, and [REDACTED], Specialist.

ISSUES

The first issue is whether Claimant timely requested an administrative hearing.

The second issue is whether DHS properly denied Claimant's Medical Assistance (MA) application based on a finding that Claimant was not disabled.

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 an unspecified date, Claimant applied for Supplemental Security Income (SSI) benefits from the Social Security Administration (SSA).
2. On [REDACTED], Claimant applied for MA benefits, including retroactive MA benefits from 7/2012.

3. Claimant's application listed that Claimant had an authorized representative (AR).
4. On [REDACTED], DHS denied Claimant's MA application and mailed written notice of denial to Claimant.
5. On [REDACTED], DHS mailed written notice of denial to Claimant's AR.
6. On an unspecified date, SSA determined that Claimant was eligible for SSI benefits.
7. On [REDACTED], Claimant's AHR requested a hearing to dispute the denial of Claimant's MA application.

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

Prior to a substantive analysis of Claimant's hearing request, it should be noted that Claimant's AHR noted special arrangements in order to participate in the hearing; specifically, an in-person hearing was requested. Claimant's AHR's request was granted and the hearing was conducted accordingly.

DHS contended that Claimant failed to timely request a hearing. The client or authorized hearing representative has 90 calendar days from the date of the written notice of case action to request a hearing. BAM 600 (7/2013), p. 5.

DHS alleged that Claimant requested a hearing on [REDACTED]. Claimant's AHR presented a fax confirmation dated 2/10/14. DHS testimony confirmed that the fax number on the fax confirmation was that of the DHS office. The fax confirmation also included a scan of the hearing request. It is found that DHS received Claimant's hearing request on [REDACTED].

DHS alleged that Claimant's MA application was denied on [REDACTED] 3. If DHS properly mailed notice of denial on [REDACTED], Claimant's hearing request would be untimely if submitted after [REDACTED], the 90th day after the date of written notice. Claimant's AHR contended that the hearing request deadline is the 90th day after Claimant receives

written notice. The AHR's contention is not supported by DHS policy which specifically refers to the "date of written notice", not the date of claimant/AHR receipt. Thus, it appears that Claimant's request for hearing was untimely.

DHS established that Claimant's written notice was mailed [REDACTED] 3. DHS did not establish that Claimant's AHR's notice was mailed on 1 [REDACTED].

An authorized representative (AR) is a person who applies for assistance on behalf of the client and/or otherwise acts on his behalf (for example, to obtain FAP benefits for the group). BAM 110 (7/2010), p. 7. The AR assumes all the responsibilities of a client. *Id.*, p. 8.

The above-cited DHS policy requires DHS to mail notices to an AR when an application lists an AR. It was not disputed that Claimant's AHR also functioned as Claimant's AR.

DHS did not present a Notice of Case Action with Claimant's AR's mailing address. Claimant's AR/AHR's hearing request alleged a denial notice date of [REDACTED]; the DHS Hearing Summary indicated the exact same date. The evidence justifies finding that [REDACTED] the date that Claimant's AHR was notified of Claimant's MA application denial. A notice date of [REDACTED] gives Claimant until [REDACTED] to request a hearing to dispute Claimant's MA eligibility. Claimant submitted a timely hearing request on the last date possible. It is found that Claimant timely requested a hearing. Accordingly, the analysis may continue to determine whether DHS properly denied Claimant's MA application

Claimant was approved for SSI benefits beginning [REDACTED] (see Exhibit 2). SSA determined that Claimant was disabled beginning [REDACTED] (see Exhibit 2).

Ongoing MA eligibility begins the first day of the month of SSI entitlement. BEM 150 (6/2011), p. 1. Some clients also qualify for retroactive (retro) MA coverage for up to three calendar months prior to SSI entitlement. *Id.*

Based on the above policy, Claimant is automatically eligible for MA benefits for any months that he is SSI eligible. He became eligible 8/2012. Accordingly, DHS erred in failing to approve Claimant for MA benefits beginning 8/2012. Claimant's 7/2012 must still be determined.

Though Claimant is not automatically eligible for MA benefits for 7/2012, he is potentially eligible as a disabled individual. Though DHS determined Claimant to be not disabled, SSA determined to be disabled beginning [REDACTED] 2. Disability or blindness starts from the RSDI disability onset date established by the SSA. BEM 260 (7/2012), p. 1.

The SSA determination of disability is binding on DHS. DHS must still determine Claimant's eligibility for MA benefits (e.g. residency, assets, income), but the issue of

Claimant's disability is established. It is found that DHS erred by failing to determine Claimant to be not disabled for MA benefits in 7/2012.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that DHS improperly denied Claimant's application for MA benefits. It is ordered that DHS perform the following actions:

- (1) reinstate Claimant's MA application dated [REDACTED] including retroactive MA benefits from 7/2012;
- (2) process Claimant's MA application subject to the following findings:
 - a. Claimant is automatically eligible for Medicaid beginning 8/2012 due to receipt of SSI benefits; and
 - b. Claimant is a disabled individual beginning 7/2012 based on a SSA disability onset date of [REDACTED].

The actions taken by DHS are **REVERSED**.



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

Date Signed: **10/9/2014**

Date Mailed: **10/9/2014**

CG / hw

NOTICE OF APPEAL: A party may appeal this Hearing Decision in the circuit court in the county in which he/she resides, or the circuit court in Ingham County, within 30 days of the receipt date.

A party may request a rehearing or reconsideration of this Hearing Decision from the Michigan Administrative Hearing System (MAHS) within 30 days of the mailing date of this Hearing Decision, or MAHS may order a rehearing or reconsideration on its own motion.

MAHS may grant a party's Request for Rehearing or Reconsideration 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 party requesting a rehearing or reconsideration 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 this Hearing Decision is mailed.

A written request may be faxed or mailed to MAHS. If submitted by fax, 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

cc:

