

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

IN THE MATTER OF:



Reg. No.: 14-017177-R
Old Reg. No.: 2014-23316
Issue No.: 2009
Case No.: [REDACTED]
Hearing Date: June 12, 2014
County: Wayne-District 35

ADMINISTRATIVE LAW JUDGE: Vicki Armstrong

DECISION AND ORDER OF RECONSIDERATION

This matter is before the undersigned Administrative Law Judge (ALJ) pursuant to the Claimant's Authorized Hearing Representative's (AHR) timely Request for Rehearing/Reconsideration of the Hearing Decision generated by the assigned Administrative Law Judge (ALJ) at the conclusion of the hearing conducted on June 12, 2014, and mailed on July 29, 2014, in the above-captioned matter.

The Rehearing and Reconsideration process is governed by the Michigan Administrative Code, Rule 400.919, *et seq.*, and applicable policy provisions articulated in the Bridges Administrative Manual (BAM), specifically BAM 600, which provide that a rehearing or reconsideration must be filed in a timely manner consistent with the statutory requirements of the particular program or programs that is the basis for the claimant's benefits application, and **may** be granted so long as the reasons for which the request is made comply with the policy and statutory requirements.

This matter having been reviewed, an Order Granting Reconsideration was mailed on December 12, 2014.

ISSUE

Whether the Department properly determined that Claimant was not disabled for purposes of the Retro-MA benefit programs?

FINDINGS OF FACT

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

1. Findings of Fact No. 1 through 11 under Registration Number 2014-23316 are incorporated by reference.
2. On June 12, 2014, a hearing was held resulting in a Hearing Decision mailed on July 29, 2014, which found Claimant was not disabled.

3. On August 21, 2014, Claimant's authorized representative requested reconsideration/rehearing.
4. The Request for Rehearing/Reconsideration was GRANTED.

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), and Department of Human Services Reference Tables Manual (RFT).

The Medical Assistance (MA) program is established by Title XIX of the Social Security Act, 42 USC 1396-1396w-5; 42 USC 1315; the Affordable Care Act of 2010, the collective term for the Patient Protection and Affordable Care Act, Pub. L. No. 111-148, as amended by the Health Care and Education Reconciliation Act of 2010, Pub. L. No. 111-152; and 42 CFR 430.10-.25. The Department (formerly known as the Family Independence Agency) administers the MA program pursuant to 42 CFR 435, MCL 400.10, and MCL 400.105-.112k.

A review of the exhibits from the hearing held on June 12, 2014, shows Claimant applied for MA and Retro-MA on July 11, 2013. The Medical Review Team denied Claimant's application for MA and Retro-MA on August 30, 2013. On June 30, 2014, the State Hearing Review Team approved Claimant for Medicaid and denied Claimant's application for Retro-MA. The decision issued on July 29, 2014, approved Claimant for MA-P effective July 1, 2013, but did not address Retro-MA benefits.

Based on SHRT's finding that Claimant was disabled and the ALJ subsequently agreeing with SHRT, with an onset date of July 1, 2013, the only remaining issue is whether Claimant is eligible for Retro-MA. 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 July 11, 2013. Claimant was found Disabled by SHRT with an established onset date of August, 2013. The Administrative Law Judge adopted SHRT's approval but changed the onset date of disability to July 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 her July 11, 2013, application.

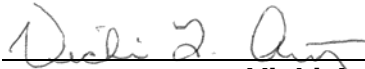
DECISION AND ORDER

Based on the above findings of fact and conclusions of law, it is determined that Administrative Law Judge erred in not identifying or ruling on Claimant's application for Retro-MA.

Accordingly, it is ORDERED:

1. The ALJ's Hearing Decision mailed on July 29, 2014, under registration Number 2014-23316 which found Claimant disabled is AFFIRMED.
2. The Department's determination which found Claimant not disabled is **REVERSED**.
3. The Department shall initiate processing of the July 11, 2013, application to **include any applicable requested retroactive months**, to determine if all other non-medical criteria are met and inform Claimant of the determination in accordance with Department policy.
4. The Department shall supplement for any lost benefits (if any) that Claimant was entitled to receive if otherwise eligible and qualified in accordance with Department policy.
5. The Department shall review Claimant's continued eligibility in December, 2015, in accordance with Department policy.

IT IS SO ORDERED.



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

Date Signed: **12/19/2014**

Date Mailed: **12/19/2014**

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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.

cc:

