

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

IN THE MATTER OF:

██████████
██████████████████
██████████████████

Reg. No.: 14-002237
Issue No.: 2001
Case No.: ██████████
Hearing Date: June 18, 2014
County: WAYNE-DISTRICT (35)

ADMINISTRATIVE LAW JUDGE: Eric Feldman

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 three-way telephone hearing was held on June 18, 2014, from Detroit, Michigan. Participants on behalf of Claimant included Claimant/decedent's Authorized Hearing Representative (AHR), ██████████. Participants on behalf of the Department of Human Services (Department or DHS) included ██████████ Hearings Facilitator.

ISSUE

Did the Department properly reprocess Claimant's Medical Assistance (MA) application dated June 16, 2011, retroactive to May 2011?

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 June 16, 2011, the Authorized Representative (AR) (who is also the AHR) applied for MA benefits based on disability on behalf of the Claimant/decedent, retroactive to May 2011. See Exhibit 1, pp. 14-37 and 39-41
2. On or around December 2012, the Medical Review Team (MRT) denied Claimant's application.

3. On April 26, 2013, the Social Security Administration (SSA) found the Claimant disabled based on a favorable decision with an onset date of May 5, 2011. See Exhibit 1, pp. 3-13.
4. On May 8, 2013, Claimant's AHR filed a hearing request, requesting the Department to reprocess the MA/retro application due to Claimant being found disabled by the SSA. See Exhibit 1, p. 2.

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 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 person eligible for Retirement, Survivors and Disability Insurance (RSDI) benefits based on his disability or blindness meets the disability or blindness criteria. BEM 260 (July 2012), p. 1. Disability or blindness starts from the RSDI disability onset date established by the SSA. BEM 260, p. 1.

Regarding RSDI eligibility established after MA denial: the Department processes a previously denied application as if it is a pending application when all of the following are true:

- The reason for denial was that the MRT determined the client was not disabled or blind, and
- The Social Security Administration (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. 1. The Department follows MA policies including verification of income, assets and receipt of RSDI based on disability/blindness. BEM 260, p. 2. All eligibility factors must be met for each month MA is authorized. BEM 260, p. 2. It should be noted that the AHR's hearing request stated the Claimant was approved for RSDI

benefits with an onset date of May 5, 2011. See Exhibit 1, p. 2. The Department did not dispute the RSDI approval.

In this case, on June 16, 2011, the AHR applied for MA benefits based on disability on behalf of the Claimant/decedent, retroactive to May 2011. See Exhibit 1, pp. 14-37 and 39-41. On or around December 2012, the AHR testified that the MRT denied Claimant's application. On April 26, 2013, the SSA found the Claimant disabled based on a favorable decision with an onset date of May 5, 2011. See Exhibit 1, pp. 3-13. On May 8, 2013, Claimant's AHR filed a hearing request, requesting the Department to reprocess the MA/retro application due to Claimant being found disabled by the SSA. See Exhibit 1, p. 2. The AHR testified that it first notified the Department regarding the SSA favorable decision and a request to reprocess the application with the hearing request dated May 8, 2013. See Exhibit 1, p. 2. The Department did not dispute any of the factors stated above and agreed that it erred to reprocess the application.

Based on the foregoing information and evidence, the Department failed to reprocess Claimant's MA application, retroactive to May 2011 in accordance with Department policy. BEM 260, pp. 1-2 and see BAM 115 (retro MA coverage is available back to the first day of the third calendar prior to the Supplemental Security Income (SSI) entitlement date). BAM 115 (May 2013), pp. 9-10. In this case, Claimant's MA based on disability application was originally denied by MRT. However, subsequent to the MRT denial, the SSA approved the Claimant for social security benefits with the disability onset date (entitlement date) of May 5, 2011. See Exhibit 1, pp. 3-13. As such, the Department will process Claimant's previously denied application as if it is pending because it met the requirements of BEM 260. See BEM 260, pp. 1-2.

DECISION AND ORDER

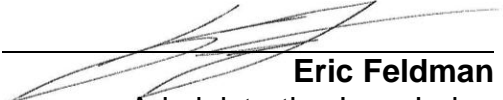
The Administrative Law Judge, based on the above Findings of Fact and Conclusions of Law, and for the reasons stated on the record, if any, finds that the Department did not act in accordance with Department policy when it failed to reprocess Claimant's MA application dated June 16, 2011, retroactive to May 2011.

Accordingly, the Department's MA 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. Reregister the MA application dated June 16, 2011, retroactive to May 2011;

2. Begin reprocessing the application/recalculating the MA budget for May 1, 2011, ongoing, in accordance with Department policy;
3. Issue supplements to Claimant for any MA benefits he was eligible to receive but did not from May 1, 2011, ongoing; and
4. Notify Claimant and Claimant's AHR in writing of its MA decision in accordance with Department policy.



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

Date Signed: **6/24/2014**

Date Mailed: **6/24/2014**

EJF/cl

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

