

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

IN THE MATTER OF:

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

Reg. No.: 14-012734
Issue No.: 2001;2004
Case No.: ██████████
Hearing Date: December 18, 2014
County: Wayne-District 15

ADMINISTRATIVE LAW JUDGE: Zainab Baydoun

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 December 18, 2014, from Detroit, Michigan. Participants on behalf of Claimant included her Authorized Hearing Representative (AHR) ██████████, from ██████████ (L&S). Participants on behalf of the Department of Human Services (Department) included ██████████, Medical Contact Worker.

ISSUE

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

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 May 17, 2012, the Department sent Claimant a Notice of Case Action informing her that for the period May 1, 2012, ongoing, her MA application had been denied on the basis that the Medical Review Team (MRT) had determined that she was not disabled for MA purposes. (Exhibit 1, at pp. 4-5)
2. On April 28, 2014, the Social Security Administration (SSA) sent Claimant a Notice of Award, informing her that she was determined disabled and eligible to receive Supplemental Security Income (SSI), as of May 2012. (Exhibit A, at pp. 8-10)

3. On June 11, 2014, L&S submitted an application for Retroactive MA benefits on behalf of Claimant seeking MA benefits for the month of April 2012. (Exhibit A, at pp. 2-7)
4. On September 18, 2014, L&S filed a hearing request on behalf of Claimant, disputing the Department's actions and requesting that the Department properly process the retroactive MA application.

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.

Additionally, when the Department receives an application for assistance, it is to be registered and processed in accordance with Department policies. BAM 110 (January 2014), pp.5-7, 18-22. The standard of promptness (SOP) begins the date the department receives an application/filing form, with minimum required information. BAM 115 (January 2014), pp.1, 11-15. The Department is to certify program approval or denial of the application within 45 days, unless an exception applies, and upon certification of eligibility results, the Department is to notify clients in writing of positive and negative actions by generating the appropriate notice of case action. After processing an initial application, the Department will notify clients of the approval or denial. BAM 115, pp. 13, 18; BAM 220 (January 2014), p. 1.

Ongoing MA eligibility begins the first day of the month of SSI entitlement. Some clients may also qualify for retroactive (retro) MA coverage for up to three calendar months prior to SSI entitlement; see BAM 115. BEM 150 (January 2014), p.1;BAM 115, pp.11-13.

In this case, prior to being approved for SSI, Claimant had submitted an application for MA benefits that was denied by the Department on the basis that the MRT determined she was not disabled. (Exhibit 1, at pp. 4-5). After receiving the SSI Notice of Award, L&S submitted a retro application for MA benefits on behalf of Claimant, seeking MA

coverage for the month of April 2012, on the basis that Claimant had been found disabled as of May 2012. BEM 150, p.1; BAM 115, pp.11-13. The SSI Notice of Award was included with the application.

At the hearing, the Department testified that Claimant's retroactive MA application was registered and processed. The Department testified that based on the previous MRT decision, Claimant was ineligible for retroactive MA benefits, as she was already found to be not disabled by the MRT in 2012. The Department stated that it relied on the prior MRT decision and the Notice of Case Action sent to Claimant on May 17, 2012, in denying her June 2014 request for retro MA benefits for April 2012. A review of the May 17, 2012, Notice of Case Action establishes that the Department only addressed Claimant's eligibility for MA for May 1, 2012, ongoing and that Claimant's eligibility for the retro period was not determined. (Exhibit 1, at pp. 4-5).

Furthermore, the Department failed to present any documentation in support of its assertion that Claimant's retroactive MA application was registered and processed or that Claimant and her Authorized Representative were notified of the Department's decision. There was no evidence presented to establish that Claimant's MA eligibility for the retro period requested of April 2012 was ever determined.

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 failed to satisfy its burden of showing that it acted in accordance with Department policy in processing Claimant's MA benefits.

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. Register and process Claimant's June 11, 2014, application for Retroactive MA benefits to determine Claimant's eligibility for MA for April 2012, ongoing, taking into consideration her entitlement to SSI benefits;

2. Provide Claimant with any MA coverage that she was eligible to receive but did not from April 2012, ongoing; and
3. Notify Claimant and L&S in writing of its decision.



Zainab Baydoun
Administrative Law Judge
for Nick Lyon, Interim Director
Department of Human Services

Date Signed: **1/6/2015**

Date Mailed: **1/6/2015**

ZB / tlf

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 48909-8139

CC:

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
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