

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 14-017719
Issue No.: 2009; 4009
Case No.: [REDACTED]
Hearing Date: January 29, 2015
County: Genesee-District 2

ADMINISTRATIVE LAW JUDGE: Carmen G. Fahie

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 Thursday, January 29, 2015, from Flint, Michigan. Participants on behalf of Claimant included the Claimant and his authorized representative, [REDACTED] from [REDACTED] Inc. Participants on behalf of the Department of Human Services (Department) included [REDACTED], Eligibility Specialist.

ISSUE

Whether claimant meets the disability criteria for Medical Assistance (MA-P), retroactive MA, and State Disability Assistance (SDA)?

FINDINGS OF FACT

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

1. On November 6, 2013, the Claimant applied for MA-P and SDA with an application for retroactive MA-P to August 2013.
2. During the hearing, the authorized representative stated that only MA to October 2013 was required.
2. Subsequent to the hearing, the Social Security Administration determined that the Claimant met the disability criteria for the SSI program with a disability onset date of December 2013.
3. This Administrative Law Judge finds, based on the objective medical evidence in the file, that the Claimant is eligible for MA retroactive to October 2013 pending a Department eligibility determination.

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.

The State Disability Assistance (SDA) program, which provides financial assistance for disabled persons, was established by 2004 PA 344. The Department administers the SDA program pursuant to 42 CFR 435, MCL 400.10 *et seq.* and Mich Admin Code, Rules 400.3151 – 400.3180. A person is considered disabled for SDA purposes if the person has a physical or mental impairment which meets federal Supplemental Security Income (SSI) disability standards for at least ninety days. Receipt of SSI benefits based on disability or blindness, or the receipt of MA benefits based on disability or blindness, automatically qualifies an individual as disabled for purposes of the SDA program.

A person eligible for Retirement, Survivors and Disability Insurance (RSDI) benefits based on disability or blindness meets the disability or blindness criteria. BEM 260. Disability or blindness starts from the RSDI disability onset date established by the SSA. BEM 260. A previously denied application is treated as if it is a pending application when the reason for the denial was that the Medical Review Team (MRT) determined the individual was not disabled and subsequently the Social Security Administration (SSA) finds the individual entitled to RSDI based on disability for some or all the time covered by the denied MA application. BEM 260. If a client is not eligible for RSDI based on disability or blindness, MRT certifies disability or blindness. BEM 260.

To be automatically eligible for MA, an SSI recipient must be a Michigan resident and cooperate with third-party resource liability requirements. BEM 150. Ongoing MA eligibility begins the first day of the month of SSI entitlement. BEM 150. Retro MA coverage is available back to the first day of the third calendar month prior to entitlement for SSI. BAM 115. A separate determination of eligibility must be made for each of the three retro months. BAM 115. To be eligible for a retro MA month, the person must meet all financial and non-financial (i.e., be disabled) factors in that month and have unpaid medical expense incurred during the month or have been entitled to Medicare Part A. BAM 115. A DHS-1171 (application) is not required for SSI recipients. BAM 115.

Because of the Social Security Administration determination, it is not necessary for the Administrative Law Judge to discuss the issue of disability. PEM, Item 260; PEM, Item 261.

Based on this application filed on November 6, 2013, the Claimant is eligible for MA-P retroactive to October 2013 and SDA based on the Claimant's November 6, 2013 application with a medical review April 2016.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law decides that the Claimant meets the definition of medically disabled under MA-P retroactive to October 2013 and SDA based on the Claimant's November 6, 2013 application with a medical review April 2016.

Accordingly, if it has not already done so, the Department is ORDERED to open an ongoing Medical Assistance case for the Claimant effective October 2013 and SDA based on the November 6, 2013 application.



Carmen G. Fahie
Administrative Law Judge
for Nick Lyon, Interim Director
Department of Human Services

Date Signed: **2/20/2015**

Date Mailed: **2/20/2015**

CGF/las

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:

