

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 2014-11325
Issue No.: 2001
Case No.: [REDACTED]
Hearing Date: January 23, 2014
County: Oakland (63-03)

ADMINISTRATIVE LAW JUDGE: Alice C. Elkin

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 telephone hearing was held on January 23, 2014, from Detroit, Michigan. Participants on behalf of Claimant included [REDACTED], hearing representative with L & S Associates, Claimant's authorized hearing representative (AHR). Participants on behalf of the Department of Human Services (Department) included [REDACTED], Eligibility Specialist.

ISSUE

Did the Department properly refuse to process Claimant's [REDACTED], 2013, application for retroactive Medical Assistance (MA) coverage for [REDACTED] 2009?

FINDINGS OF FACT

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

1. Claimant last received MA coverage from the Department in [REDACTED] 2009.
2. On [REDACTED], 2010, the Social Security Administration (SSA) sent Claimant a letter notifying her that it found her disabled as of [REDACTED] 2008, but, because she did not meet all the rules to be eligible for SSI until [REDACTED], 2010, and could not receive an SSI payment until the month after she first met eligibility, she would receive her first SSI payment for [REDACTED] 2010.
3. SSA also informed Claimant that, because of her income, she was not eligible for SSI payments for [REDACTED] 2008 through [REDACTED] 2009 and for [REDACTED] 2010 ongoing.

4. Claimant did not apply for, or otherwise receive, MA based on the SSA decision.
5. On [REDACTED], 2013, the AHR submitted a retroactive application seeking MA coverage for [REDACTED] 2009.
6. The Department did not process the request for retroactive coverage.
7. On [REDACTED], 2013, the AHR filed a request for hearing to prompt the Department to process the application for retroactive MA coverage.

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 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.

Additionally, the Department contends that it was not required to process the [REDACTED] 2013, application for retroactive MA coverage for [REDACTED] 2009 because there was no MA application or active MA case that the request for retroactive coverage could be linked to.

An SSI recipient who is a Michigan resident and cooperates with third-party resource liability requirements is automatically eligible for MA. BEM 150 (July 2013), p. 1. Ongoing MA eligibility begins the first day of the month of SSI entitlement. BEM 150, p. 1.

The [REDACTED], 2010, letter from SSA shows that Claimant met all the eligibility requirements for SSI as of [REDACTED] 2010, but was not eligible for SSI benefits until [REDACTED] 2010, the month after she first met the eligibility rules. She was not income-eligible for SSI for [REDACTED] 2010 ongoing. "SSI recipient" is defined under Department policy as a "person receiving (or eligible for, as determined by SSA) an SSI benefit issued by SSA." Because the [REDACTED] 2010, SSA letter shows that SSA considered Claimant eligible for SSI as of [REDACTED] 2010, Claimant became an SSI recipient as of that date. As such, she was automatically eligible for MA for SSI recipients as of [REDACTED] 2010, even if the Department did not activate coverage at the time.

The DHS-3243, Retroactive Medicaid Application, requesting up to three months of retroactive MA coverage is used along with the DHS-1171, Assistance Application; DHS-4574, Medicaid Application for Nursing Facility Patients; or DCH-0373, MICHild/Healthy Kids Application, for retro MA applications. BAM 110 (July 2013), p. 4.

However, policy specifically provides that clients who are SSI recipients may qualify for retroactive MA coverage for up to three calendar months prior to SSI entitlement. BEM 150, p. 1; BAM 115 (July 2013), p. 11. Furthermore, a person might be eligible for one, two or all three retro months even if not currently eligible. BAM 115, p. 12.

In this case, Claimant's AHR filed a retroactive application for MA coverage for [REDACTED] 2009. Because Claimant was entitled to MA in [REDACTED] 2010 based on being an SSI recipient, and because policy does not restrict when Claimant can apply for retro MA coverage, Claimant was eligible to apply for retro MA coverage back to [REDACTED] 2009, the third month from her [REDACTED] 2010 SSI entitlement date.

The Department must determine eligibility for each retro month separately. BAM 115, p. 13. To be eligible for a retro MA month, the person must (i) meet all financial and nonfinancial eligibility factors in that month, and (ii) have an unpaid medical expense incurred during the month or have been entitled to Medicare Part A. BAM 115, p. 13.

In this case, SSA determined that Claimant was disabled as of [REDACTED] 2008. As such, Claimant met the nonfinancial eligibility factor for MA for [REDACTED] 2009. However, the Department failed to register and process Claimant's retro application and determine her financial eligibility for retro MA coverage for [REDACTED] 2009. By failing to do so, the Department failed to act in accordance with Department policy.

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. Activate Claimant's MA for SSI recipients for [REDACTED] 2010;
2. Register Claimant's [REDACTED], 2013, application for retroactive coverage for [REDACTED] 2009;
3. Reprocess the application to determine Claimant's financial eligibility for MA for [REDACTED] 2009;
4. Provide Claimant with any MA coverage she is eligible to receive for [REDACTED];
and

5. Notify Claimant and the AHR in writing of its decision.



Alice C. Elkin
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: February 4, 2014

Date Mailed: February 4, 2014

NOTICE OF APPEAL: The claimant may appeal the Decision and Order to Circuit Court within 30 days of the receipt of the Decision and Order or, if a timely Request for Rehearing or Reconsideration was made, within 30 days of the receipt date of the Decision and Order of Reconsideration or Rehearing Decision.

Michigan Administrative Hearing System (MAHS) may order a rehearing or reconsideration on either its own motion or at the request of a party within 30 days of the mailing date of this Decision and Order. MAHS will not order a rehearing or reconsideration on the Department's motion where the final decision cannot be implemented within 90 days of the filing of the original request (60 days for FAP cases).

A Request for Rehearing or Reconsideration may be granted 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 Department, AHR or the claimant 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 the hearing decision is mailed.

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

ACE/pf

cc:

