

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 201430572
Issue No.: 2001
Case No.: [REDACTED]
Hearing Date: April 21, 2014
County: Wayne (35)

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 April 21, 2014, from Detroit, Michigan. Participants on behalf of Claimant included [REDACTED] hearing representative with [REDACTED]; Claimant's authorized hearing representative (AHR). Participants on behalf of the Department of Human Services (Department) included [REDACTED], Payment Facilitator.

ISSUE

Did the Department properly reregister and reprocess Claimant's application for retroactive Medical Assistance (MA) coverage for September 2012 and October 2012?

FINDINGS OF FACT

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

1. The Social Security Administration (SSA) determined that Claimant was disabled and eligible for Supplemental Security Income (SSI) with a disability onset date of October 30, 2012.
2. On July 29, 2013, a Settlement Order was issued by a Michigan Administrative Hearing System (MAHS) administrative law judge requiring the Department to reregister Claimant's application for retroactive MA benefits for September 2012 and October 2012 and provide Claimant with retroactive MA benefits she was eligible to receive.

3. On February 25, 2014, the AHR filed a hearing request alleging that the Department had failed to comply with the Settlement Order.

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, as a preliminary matter it is noted that the hearing record presented by the Department includes a June 19, 2013, Notice of Case Action notifying Claimant that her MA application for coverage for August 1, 2012, ongoing was denied because she received SSI and was not included in the group. It is noted that (1) the June 19, 2013 Notice of Case Action was issued prior to the July 29, 2013 Settlement Order and therefore is not responsive to the Settlement Order, and (2) the June 19, 2013 Notice indicates that Claimant was not eligible for MA benefits for August 1, 2012 ongoing because she was an active SSI recipient but no evidence was presented that Claimant was receiving MA based on her status as an SSI recipient. Accordingly, the June 19, 2013 Notice of Case Action had no impact on the Department's obligation to comply with the terms of the July 29, 2013 Settlement Order.

SSI recipients who are Michigan residents and cooperate with third-party resource liability requirements are automatically eligible for MA beginning the first day of the month of SSI entitlement. BEM 150 (June 2011), p. 1. SSI recipients may also qualify for retroactive MA coverage for up to three calendar months prior to the SSI entitlement. BEM 150, p. 1; BAM 115 (January 2011), p. 8.

At the hearing, the Department acknowledged that Claimant was approved for SSI benefits by the SSA as of October 2012 and that there was a retroactive MA application filed for September 2012 and October 2012 MA coverage. The Department admitted that it approved Claimant for MA coverage effective November 1, 2012 ongoing and should have considered her eligible for MA coverage for October 2012 and September 2012 if the retroactive application had been processed in accordance with the terms of the Settlement Order.

Because the Department failed to establish that it processed Claimant's eligibility for retroactive MA coverage for September 2012 and October 2012, 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.

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. Reregister and reprocess Claimant's application to determine her nonmedical eligibility for retroactive MA coverage for September 2012 and October 2012;
2. Provide Claimant with MA coverage she is eligible to receive for September 2012 and October 2012; and
3. 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: April 30, 2014

Date Mailed: April 30, 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;

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- 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/tlf

cc:

