

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 15-000575
Issue No.: 2009
Case No.: [REDACTED]
Hearing Date: February 18, 2015
County: Genesee-District 2

ADMINISTRATIVE LAW JUDGE: Vicki Armstrong

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 February 18, 2015, from Flint, Michigan. Claimant, represented by [REDACTED] or [REDACTED] personally appeared and testified. Participants on behalf of the Department of Human Services (Department) included Eligibility Specialist [REDACTED]

ISSUE

Whether the Department properly determined that Claimant was not disabled for purposes of the Medical Assistance (MA) benefit programs?

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 December 23, 2013, Claimant applied for MA-P and Retro-MA.
- (2) On January 29, 2014, the Medical Review Team (MRT) denied Claimant's MA and Retro-MA application indicating a lack of duration pursuant to 20 CFR 416.909.
- (3) On February 4, 2014, the Department mailed Claimant notice that his MA/Retro-MA application was denied.
- (4) On April 2, 2014, the Social Security Administration (SSA) Disability Determination Service (DDS) found Claimant was disabled with an established onset date of January 13, 2014.
- (5) On January 16, 2015, Claimant's Authorized Hearing Representative filed a timely hearing request to contest the Department's negative action.

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.

Based on the Social Security Administration's finding that Claimant was disabled, the only remaining issue is whether Claimant is eligible for Retro-MA. According to Departmental policy, some clients also qualify for retroactive (retro) MA coverage for up to three calendar months prior to SSI entitlement; see BAM 115. BEM 150.

Departmental policy states that Retro-MA coverage is available back to the first day of the third calendar month prior to:

- The current application for FIP and MA applicants and persons applying to be added to the group.

- The most recent application (not redetermination) for FIP and MA recipients.
BAM 115

In this case, Claimant applied for MA and Retro-MA on December 23, 2013. Claimant was found Disabled by the Social Security Administration Disability Determination Service with an established onset date of January 13, 2014. According to Departmental policy, "Retro-MA coverage is available back to the first day of the third calendar month prior to the current application for . . . MA." BEM 150. Therefore, based on Department policy, this Administrative Law Judge finds Claimant is entitled to Retro-MA back to the first day of the third calendar month prior to his December 23, 2013, application.

During the hearing, the Departmental representative agreed to put the Retro-active Medicaid onto Claimant's case.

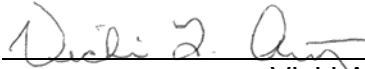
DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides the Department erred in determining Claimant is not disabled.

Accordingly, the Department's decision is **REVERSED**, and it is ORDERED that:

1. The Department shall approve MA/Retro-MA benefits for Claimant as long as he is otherwise eligible to receive them.

2. As long as Claimant's SSA disability status continues, Departmental review of Claimant's medical condition is unnecessary.



Vicki Armstrong
Administrative Law Judge
for Nick Lyon, Interim Director
Department of Human Services

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

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

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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:

