

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 15-003042
Issue No.: 2001
Case No.: [REDACTED]
Hearing Date: April 1, 2015
County: Wayne (57)

ADMINISTRATIVE LAW JUDGE: Christian Gardocki

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 1, 2015, from Detroit, Michigan. [REDACTED] testified and appeared as Claimant's authorized hearing representative (AHR). A Department of Human Services (DHS) representative did not appear for the hearing despite a wait of over one hour after the scheduled hearing time and multiple telephone calls to DHS in an attempt to engage their hearing participation.

ISSUE

The issue is whether DHS properly did not process Claimant's Medical Assistance (MA) eligibility for March 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. On [REDACTED] Claimant applied for Supplemental Security Income (SSI) benefits from the Social Security Administration (SSA).
2. On [REDACTED], Claimant applied for MA benefits.
3. On an unspecified date, DHS denied Claimant's MA benefit application for the reason that Claimant was not disabled.
4. On an unspecified date, SSA approved Claimant for SSI benefits, based on a disability onset date of [REDACTED].
5. On [REDACTED] Claimant's AHR requested a hearing alleging that DHS improperly failed to process Claimant's MA eligibility for March 2012.

CONCLUSIONS OF LAW

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. DHS (formerly known as the Family Independence Agency) administers the MA program pursuant to 42 CFR 435, MCL 400.10, and MCL 400.105-.112k. DHS 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).

Claimant's AHR requested a hearing to dispute a DHS failure to process Claimant's MA eligibility for March 2012. Claimant's AHR conceded that no other benefit months were in dispute. It was not disputed that DHS denied Claimant's March 2012 MA eligibility for the reason that Claimant was not disabled.

Claimant's AHR's testimony indicated that Claimant was approved for SSI benefits, effective November 2012. Claimant's SSI eligibility was based on a disability onset date of May 29, 2012.

Claimant's AHR contended that DHS policy allows Claimant to be eligible for MA benefits for up to 3 months prior to the date of disability. Retro MA coverage is available back to the first day of the third calendar month prior to entitlement of SSI. BAM 115 (12/2011), pp. 9-10.

Claimant's AHR essentially interprets the above policy as a DHS mandate to issue retroactive MA benefits to clients for the three months before SSI entitlement. Claimant's AHR's policy interpretation is unpersuasive.

If Claimant's AHR's argument was accepted, then clients would not have to meet MA disability, asset, or income eligibility requirements in the three months before SSI entitlement. It is doubtful that DHS intended such an outcome. A superior interpretation is that "available" allows clients to apply for retroactive MA coverage, however, eligibility factors must still be met. It is this interpretation that will be applied to Claimant's circumstances.

It is found that Claimant is entitled to apply for retroactive MA coverage, but must still meet all MA eligibility requirements. One of Claimant's eligibility requirements is a finding of disability.

It was not disputed that DHS denied Claimant's MA application from March 2012 based on a finding that Claimant was not disabled. Claimant's AHR contended that Claimant's SSI eligibility should be construed as a finding that Claimant was disabled for March 2012. Exactly the opposite of what Claimant's AHR contended is true.

Eligibility for MA based on disability or blindness does not exist once SSA's determination is final. BEM 260 (10/2011), pp. 2-3. SSA's determination that disability or blindness does not exist for SSI is final for MA if:

- The determination was made after 1/1/90, and
- No further appeals may be made at SSA; or
- The client failed to file an appeal at any step within SSA's 60 day limit, and
- The client is not claiming:
 - A totally different disabling condition than the condition SSA based its determination on, or
 - An additional impairment(s) or change or deterioration in his condition that SSA has not made a determination on.

BEM 260 (7/2013), p 3.

Claimant applied for SSI benefits on [REDACTED]. SSA found that Claimant was disabled beginning [REDACTED]. SSA is known to consider if an applicant is disabled no later than the date of application. A SSA determination that Claimant was disabled as of [REDACTED], based on a SSA application dated [REDACTED], confirms that SSA rejected that Claimant was disabled before [REDACTED]. There was no evidence suggesting that Claimant appealed the disability onset date determined by SSA. Thus, the finding of non-disability by SSA for the period of [REDACTED] through [REDACTED] is binding on DHS. Accordingly, Claimant is not disabled for the month of March 2012 and it is found that DHS properly denied Claimant's MA eligibility from March 2012.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that DHS properly denied Claimant's MA eligibility for March 2012 based on a binding SSA determination that Claimant was not disabled.

The actions taken by DHS are **AFFIRMED**.



Christian Gardocki
Administrative Law Judge
for Nick Lyon, Interim Director
Department of Human Services

Date Signed: **4/7/2015**

Date Mailed: **4/7/2015**

CG / hw

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:

