

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

IN THE MATTER OF:

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MAHS Reg. No.: 15-018021
Issue No.: 2004
Agency Case No.: ██████████
Hearing Date: December 10, 2015
County: Wayne-District 19 (Inkster)

ADMINISTRATIVE LAW JUDGE: Zainab Baydoun

HEARING DECISION

Following Petitioner'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; and Mich Admin Code, R 792.11002. After due notice, a three way telephone hearing was held on December 10, 2015, from Detroit, Michigan. The Petitioner was represented by ██████████, Authorized Hearing Representative (AHR) from ██████████. The Department of Health and Human Services (Department) was represented by ██████████, Hearings Facilitator.

ISSUE

Did the Department properly process Claimant's application for Retroactive Medical Assistance (MA) benefits?

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 October 31, 2011, Petitioner applied for disability benefits with the Social Security Administration (SSA). (Exhibit A, pp.7-8)
2. SSA determined that Petitioner was disabled and eligible for SSI as of October 2011. (Exhibit A, pp. 7-8)
3. On March 5, 2015, L&S submitted an application for retroactive MA coverage on behalf of Petitioner seeking SSI based MA benefits for the month of October 2011. (Exhibit A, pp. 2-4)

4. On September 24, 2015, L&S requested a hearing on behalf of Petitioner disputing the Department's actions.

CONCLUSIONS OF LAW

Department policies are contained in the Department of Health and Human Services Bridges Administrative Manual (BAM), Department of Health and Human Services Bridges Eligibility Manual (BEM), Department of Health and Human Services Reference Tables Manual (RFT), and Department of Health and Human Services Emergency Relief Manual (ERM).

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 Department of Human Services) administers the MA program pursuant to 42 CFR 435, MCL 400.10, and MCL 400.105-.112k.

The AHR requested a hearing concerning the Department's failure to activate Petitioner's SSI-related MA coverage effective October 2011. The AHR contended that Petitioner was eligible for MA coverage during that period as an SSI recipient.

An SSI recipient who is a Michigan resident and cooperates with third-party resource liability requirements is automatically eligible for MA. BEM 150 (January 2014), p. 1. "SSI recipient" means a Michigan resident who receives the basic federal payment, the state supplement, or both. BEM 150, p. 1. "SSI recipient" is further defined under Department policy as a "[p]erson receiving (or eligible for, as determined by SSA) an SSI benefit issued by SSA." Ongoing MA eligibility begins the first day of the month of SSI entitlement. BEM 150, p. 1.

At the hearing, the AHR established that the SSA determined that Petitioner was disabled and eligible for SSI as of October 2011. The Department did not dispute the AHR's position that Petitioner was eligible for SSI Related MA coverage for the month of October 2011. The Department indicated that while the retroactive application was received and registered, it was not fully processed as errors/problems with the Bridges system was not allowing the Department to activate SSI-Related MA benefits for that month. The Department conceded that Petitioner is eligible for SSI-Related MA benefits for the month of October 2011. Therefore, because Petitioner was determined disabled and eligible for SSI for October 2011, she was considered an SSI recipient per policy and entitled to SSI-Related MA coverage for that month.

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 when it failed to activate SSI-MA coverage for Petitioner for October 2011.

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 Petitioner's MA coverage for SSI recipients effective October 1, 2011; and
2. Provide Petitioner with MA coverage for SSI recipients for the month of October 1, 2011, ongoing, in accordance with Department policy; and
3. Notify Petitioner and her AHR in writing of the Department's decision.



Zainab Baydoun
Administrative Law Judge
for Nick Lyon, Director
Department of Health and Human Services

Date Signed: **12/17/2015**

Date Mailed: **12/17/2015**

ZB / tlf

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 copy of the claim or application for appeal must be filed with the Michigan Administrative Hearing System (MAHS).

A party may request a rehearing or reconsideration of this Hearing Decision from 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:

[REDACTED]
[REDACTED]
[REDACTED]
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