

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

IN THE MATTER OF:

██████████
████████████████████
████████████████████

Reg. No.: 15-000970
Issue No.: 2001
Case No.: ██████████
Hearing Date: March 16, 2015
County: Wayne-District 31 (Grandmont)

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 3-way telephone hearing was held on March 16, 2014, from Detroit, Michigan. Participants on behalf of Claimant included ██████████, authorized representative for ██████████; Claimant's authorized hearing representative (AHR). Participants on behalf of the Department of Human Services (Department) included ██████████ Eligibility Specialist, and ██████████, Hearing 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. Claimant applied for MA benefits in October 2013 (Exhibit A, pp. 30-43).
2. The Medical Review Team (MRT) concluded that Claimant was not disabled, and the Department denied the application in a January 15, 2014 Notice of Case Action sent to Claimant (Exhibit A, pp. 1-29, 47-50).
3. In a letter dated March 26, 2014, the Social Security Administration (SSA) approved Claimant for Supplemental Security Income (SSI) as of November 2013 (Exhibit 3; Exhibit A, pp. 44-46).

4. On May 20, 2014, the AHR filed an application for Claimant for retroactive MA for August 2013 (Exhibit 1, 4).

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 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.

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. Clients who are SSI recipients may also 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. The DHS-3243, retroactive Medicaid application, is used to apply for retro MA. BAM 115, p. 12. In order to be eligible for a retro MA month, the person must (A) meet all financial and nonfinancial eligibility factors in that month **and** (B) either (i) have an unpaid medical expense incurred during the month or (ii) have been entitled to Medicare Part A. BAM 115, p. 13. A separate determination of eligibility must be made for each of the retro months requested. BAM 115, p. 12.

In this case, Claimant was approved by SSA for SSI benefits effective November 2013. Although the AHR argued that it had filed an application in October 2013 on Claimant's behalf with a request for retroactive coverage to August 2013, the documentation the AHR presented in support of its position (Exhibit 2) was insufficient to establish that an application was filed with the Department on October 10, 2013 or that a retro application was filed at that time. However, the AHR's evidence established that it filed a retro application, DHS-3243, with the Department on May 20, 2014 requesting MA coverage for Claimant for August 2013 and September 2013 (Exhibits 1, 4). Because an application for retroactive MA benefits was filed for months within three months of the November 2013 SSI approval, the Department was required to process Claimant's financial and nonfinancial eligibility for benefits for the requested retro months for which Claimant had outstanding medical expenses or was eligible for Medicare Part A. The evidence established that the Department issued a verification checklist and the AHR

responded (Exhibit 5). However, the Department had not taken any further action in processing the retroactive application.

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 complete processing Claimant's application for retro MA coverage for August 2013 and September 2013. .

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. Continue processing Claimant's retroactive MA application for August 2013 and September 2013;
2. Provide Claimant with any MA coverage he is eligible to receive in August 2013 and/or September 2013; and
3. Notify Claimant and the AHR in writing of its decision.



Alice C. Elkin
Administrative Law Judge
for Nick Lyon, Interim Director
Department of Human Services

Date Signed: **3/24/2015**

Date Mailed: **3/24/2015**

ACE / 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 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: [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
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