

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 15-001867
Issue No.: 2001
Case No.: [REDACTED]
Hearing Date: March 18, 2015
County: Wayne (76)

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 March 18, 2015, from Detroit, Michigan.

[REDACTED] testified and appeared as Claimant's authorized hearing representative (AHR). Participants on behalf of the Department of Human Services (DHS) included [REDACTED], specialist.

ISSUE

The issue is whether DHS properly processed Claimant's Medical Assistance (MA) eligibility following Claimant's approval for Supplemental Security Income (SSI) and Retirement, Survivors, and Disability Insurance (RSDI) 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 an unspecified date, the Social Security Administration (SSA) found Claimant eligible for SSI benefits, effective 8/2011.
2. On an unspecified date, SSA found Claimant eligible to receive RSDI benefits.
3. On the same unspecified date, SSA determined Claimant to be a disabled individual as of [REDACTED].
4. DHS failed to process Claimant's Medicaid eligibility since 6/2011.
5. On [REDACTED], Claimant's AHR requested a hearing to dispute DHS' failure to process Claimant's Medicaid eligibility.

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's hearing request noted that Claimant required special arrangements for participation in the hearing; specifically, Claimant's AHR requested a pre-hearing conference. Presented evidence suggested that a pre-hearing conference was not held. Typically, DHS schedules pre-hearing conferences for the purpose of resolving disputes without a hearing. Even if a pre-hearing conference was not held, it is not an accommodation which DHS must oblige.

Claimant's AHR's request also noted that Claimant's presence was not required for the hearing. Claimant's presence was not required for the hearing and the hearing was conducted accordingly. Though Claimant's presence was not required, Claimant is not entitled to a guarantee that Claimant's absence has no impact on the hearing decision.

Claimant's AHR requested a hearing to dispute Claimant's MA eligibility. Specifically, Claimant alleged that DHS should have processed Claimant's MA eligibility following an approval of SSI benefits. Ongoing MA eligibility begins the first day of the month of SSI entitlement. BEM 150 (10/2010), p. 8.

DHS presented Claimant's SOLQ (Exhibits 1-3). An SOLQ is a document obtained through a data exchange with SSA. Claimant's SOLQ verified that Claimant was SSI eligible as of [REDACTED]. Claimant's SSI eligibility date definitively established that Claimant is eligible for MA from 8/2011.

DHS indicated that Claimant was MA eligible from 8/2011, through the Adult Medical Program (AMP). DHS noted that processing Claimant's MA eligibility from 8/2011 based on disability was hampered by Claimant's AMP approval from 8/2011. DHS implied that when a client is eligible for one type of MA category, amending the type of category by which a client receives is difficult and unnecessary.

Persons may qualify under more than one MA category. BEM 105 (10/2010), p. 2. Federal law gives them the right to the most beneficial category. *Id.*

MA based on disability is known to cover hospital expenses. AMP benefits are known to not pay for hospital expenses. Thus, MA eligibility based on disability is a more

beneficial category than MA eligibility based on AMP (see BEM 105). Claimant is entitled to have AMP eligibility upgraded to MA based on receipt of SSI. It is found that DHS improperly failed to process Claimant's SSI eligibility from 8/2011.

Claimant's AHR also seeks MA eligibility for Claimant for the months of 6/2011 and 7/2011. Claimant's AHR contended that MA eligibility from 6/2011 and 7/2011 is proper even though Claimant was not eligible for SSI payments until 8/2011.

Some clients also qualify for retroactive (retro) MA coverage for up to three calendar months prior to SSI entitlement. *Id.* Retro MA coverage is available back to the first day of the third calendar month prior to entitlement to SSI. BAM 115 (1/2011), p. 8.

Based on the above-cited policy, Claimant is not automatically MA eligible for months before SSI eligibility. The above-cited policy only makes MA coverage available to Claimant.

Claimant's SOLQ verified that Claimant was found by DHS to be disabled as of [REDACTED]. Claimant's SSA approval was a combination of SSI and RSDI benefits Disability or blindness starts from the RSDI disability onset date established by the Social Security Administration (SSA). BEM 260 (1/2010), p. 1.

Claimant's date of disability definitively establishes Claimant was a disabled individual as of 1/2010. The disability date does not establish that Claimant met other requirements for MA eligibility (e.g. income, assets, residency, citizenship...) for the months of 6/2011 and 7/2011. DHS will be ordered to determine Claimant's MA eligibility for the months of 6/2011 and 7/2011.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that DHS improperly failed to process Claimant's MA eligibility since 6/2011. It is ordered that DHS perform the following actions:

- (1) approve Claimant's MA eligibility since 8/2011, based on the finding that Claimant was SSI eligible since 8/2011; and
- (2) initiate processing of Claimant's MA eligibility for 6/2011 and 7/2011, based on the finding that Claimant was a disabled individual.

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



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

Date Signed: **3/27/2015**

Date Mailed: **3/27/2015**

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:

