

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

IN THE MATTER OF:



Reg. No.: 15-005660
Issue No.: 2001
Case No.: [REDACTED]
Hearing Date: May 27, 2015
County: LAPEER

ADMINISTRATIVE LAW JUDGE: Gary Heisler

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; and Mich Admin Code, R 792.11002. After due notice, a telephone hearing was held on May 27, 2015, from Lansing, Michigan. Participants on behalf of Claimant included Claimant's authorized hearing representative, [REDACTED] of ADVOMAS. Participants on behalf of the Department of Health and Human Services (Department) included Hearing Facilitator [REDACTED].

ISSUE

Did the Department properly deny Claimant's retroactive Medical Assistance application for March and April 2014, due to her failure to apply for Social Security Administration disability 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 May 13, 2014, ADVOMAS submitted a Medical Assistance and retroactive Medical Assistance application on Claimant's behalf.
2. On January 27, 2015, the Department issued a Health Care Coverage Determination Notice (DHS-1606) which stated Claimant's Medical Assistance application for March and April 2014 was denied.
3. On April 1, 2015, ADVOMAS submitted this hearing request.

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 parties in this case are in agreement that Claimant did not apply for Social Security Administration disability benefits. ADVOMAS asserts that Department policy does not provide for denial of an application on that basis. Both parties refer to Bridges Eligibility Manual (BEM) 270 Pursuit of Benefits to support their position.

Bridges Eligibility Manual (BEM) 270 Pursuit of Benefits (4-1-2014) states in part:

DEPARTMENT POLICY FIP, SDA, and Medicaid

Individuals must apply for benefits for which they may be eligible. This includes taking action to make the entire benefit amount available to the group.

Any action by the individual or other group members to restrict the amount of the benefit made available to the group causes ineligibility.

Except for contractual care arrangements, the requirements in this item **do not** apply to a past month determination for MA when the applicant has taken action to apply for potential benefits.

Medicaid Only

Refusal to pursue a potential benefit results in the individual's ineligibility.

VERIFICATION REQUIREMENTS

FIP, SDA, CDC, and Medicaid Only

An individual's statement at application, redetermination or change that the individual has applied for the benefit or that the individual is not eligible is to be accepted **unless** the statement is unclear, inconsistent or in conflict with other information.

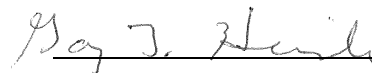
For state-funded FIP/SDA individuals receiving disability-related Medicaid, verification must be obtained from SSA that a SSI application is on file.

Bridges Eligibility Manual (BEM) 270 Pursuit of Benefits (7-1-2014) contains no changes to these relevant portions. The policy was consistent on the date of application and the date of the required standard of promptness for action on the application.

The parties are in agreement that Claimant took no action to apply for Social Security Administration disability benefits. BEM 270 clearly states that refusal to pursue a potential benefit results in the individual's ineligibility for Medical Assistance. 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 acted in accordance with Department policy when it denied Claimant's retroactive Medical Assistance application for March and April 2014, due to her failure to apply for Social Security Administration disability benefits.

DECISION AND ORDER

Accordingly, the Department's decision is **AFFIRMED**.



Gary Heisler
Administrative Law Judge
for Nick Lyon, Director
Department of Health and Human Services

Date Signed: **6/22/2015**

Date Mailed: **6/22/2015**

GFH / ■

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:

