

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 15-007607
Issue No.: 2004
Case No.: [REDACTED]
Hearing Date: July 21, 2015
County: Jackson

ADMINISTRATIVE LAW JUDGE: Carmen G. Fahie

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 Tuesday, July 21, 2015, from Lansing, Michigan. Participants on behalf of Claimant included the Claimant's Authorized Representative, [REDACTED], from [REDACTED]. Participants on behalf of the Department of Health and Human Services (Department) included [REDACTED], Family Independence Manager and [REDACTED], Eligibility Services.

ISSUE

1. Did the Department properly process the Claimant's retro Medical Assistance (MA) Application resulting from a subsequent Social Security (SS) SSI approval?
2. Did the Department properly issue a written notice of the eligibility determination in accordance with the Administrative Law Judge's Decision and Order?

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 September 30, 2011, the Claimant through [REDACTED] applied for MA with a retroactive application to August 2011.
2. On February 17, 2012, the Medical Review Team (MRT) denied the Claimant's MA application dated September 30, 2011 with retroactive MA to August 2011 because the Claimant was capable of performing other work under Medical/Vocational Grid Rule 202.18 per 20 CFR 416.920(f). Department Exhibit 9-10.

3. The Claimant was subsequently denied MA benefits by the Department, but then was subsequently approved SSI benefits retroactive through October 2011 by a Federal Administrative Law Judge because of mental and physical impairments. Claimant Exhibit a-f.
4. On April 8, 2014, the Claimant through her Authorized Representative submitted a request for retroactive MA to the Claimant's SSI approval for the month of August 2011 according to the ALJ's decision dated February 13, 2015. Department Exhibit 1. (A copy of the MA application was not submitted in the hearing packet.)
5. On September 10, 2014, the Department received a hearing request from the Claimant contesting the Department's negative action.
6. On February 13, 2015, Administrative Law Judge Colleen Lack reversed the Department and ordered the Department to process the April 8, 2014 request for the August 2011 retroactive MA based on the Claimant's SSI approval to August 2011, but the Claimant was only approved SSI benefits to October 2011. Department Exhibit 1-3.
7. On February 25, 2015, the Department sent the Claimant and L&S a notice that retroactive MA benefits were denied for August 2011. Department Exhibit 6-7.
8. On May 11, 2015, the Department received a hearing request from the Claimant contesting the Department's negative action.

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.

In this case, On September 30, 2011, the Claimant through L&S applied for MA with a retroactive application to August 2011. On February 17, 2012, the Medical Review Team (MRT) denied the Claimant's MA application dated September 30, 2011 with retroactive MA to August 2011 because the Claimant was capable of performing other work under Medical/Vocational Grid Rule 202.18 per 20 CFR 416.920(f). Department

Exhibit 9-10. The Claimant was subsequently denied MA benefits by the Department, but was then subsequently approved SSI benefits retroactive through October 2011 by a Federal Administrative Law Judge. Claimant Exhibit a-f. On April 8, 2014, the Claimant through her Authorized Representative submitted a request for retroactive MA based on the Claimant's SSI approval for the month of August 2011 according to the ALJ's decision dated February 13, 2015. Department Exhibit 1. (A copy of the MA application was not submitted in the hearing packet.)

On February 13, 2015, Administrative Law Judge Colleen Lack reversed the Department and ordered the Department to process the April 8, 2014 request for retroactive MA based on the Claimant's SSI approval to August 2011, but the Claimant was only approved SSI benefits to October 2011 because of mental and physical impairments. Department Exhibit 1-3. As a result, the Claimant may be eligible for retroactive MA benefits to August 2011 based on Department policy. On February 25, 2015, the Department sent the Claimant and [REDACTED] a notice that retroactive MA benefits were denied for August 2011. Department Exhibit 6-7. On May 11, 2015, the Department received a hearing request form from the Claimant contesting the Department's negative action. BEM 260.

MA FOR SSI RECIPIENTS, BEM 150, PAGE 1

DEPARTMENT POLICY

MA Only

Supplemental Security Income (SSI) is a cash benefit for needy individuals who are aged (at least 65), blind or disabled. The Social Security Administration (SSA) determines SSI eligibility.

In Michigan, DHS supplements federal SSI payments based on the client's living arrangement. Thus, in this item **SSI recipient** means a Michigan resident who receives the basic federal payment, the state supplement, or both.

To be **automatically** eligible for Medicaid (MA) an SSI recipient must both:

- Be a Michigan resident.
- Cooperate with third-party resource liability requirements.

DHS administers MA for SSI recipients, including a continued MA eligibility determination when SSI benefits end.

Ongoing MA eligibility begins the first day of the month of SSI entitlement.

Some clients also qualify for **retroactive** (retro) MA coverage for up to three calendar months prior to SSI entitlement; see BAM 115.

APPLICATION PROCESS, BAM 115, page 11-12

RETRO MA APPLICATIONS MA Only

Retro MA coverage is available back to the first day of the third calendar month prior to:

- The current application for FIP and MA applicants and persons applying to be added to the group.
- The most recent application (**not** renewal) for FIP and MA recipients.
- For SSI, entitlement to SSI.

Exception: A person might be eligible for one, two or all three retro months, **even if not** currently eligible. The DHS-3243, Retroactive Medicaid Application, is used to apply for retro MA. Only one DHS-3243 is needed to apply for one, two or all three retro MA months. See RETRO MA APPLICATIONS in BAM 110. Eligibility must be made for **each** of the three retro months. (See BAM 115 Standard retro MA eligibility requirements).

Standard Retro MA Eligibility Requirements, BAM 115, page 13-14

MA Only

Determine eligibility for **each** retro MA month **separately**. To be eligible for a retro MA month, the person must:

- Meet all financial and nonfinancial eligibility factors in that month, and
- Have an unpaid medical expense incurred during the month, or

Note: Do **not** consider bills that the person thinks may be paid by insurance as paid bills. It is easier to determine eligibility sooner rather than later.

**Retro MA Applications, BAM 110, page 4
Medicaid Only**

The DHS-3243, Retroactive Medicaid Application, is used **along with** the DHS-4574 or DCH-1426 for retro MA applications. Only one DHS-3243 is needed to apply for one, two or three retro MA months; see RETRO MA APPLICATIONS in BAM 115

After a review of the policy and the testimony on the record, this Administrative Law Judge finds that the Department correctly did not process the subsequent application. There is no policy requiring MRT to review the same medical records previously reviewed. The Claimant already had a prior application that was reviewed by MRT for the contested time period and denied.

A subsequent approval by SS for SSI opens the door for another retroactive MA review with limitations. If the Claimant had submitted new medical in light of their subsequent SSI approval, then MRT would have been able to review the new medical based on the subsequent SSI approval. Since no new medical was submitted, this Administrative Law Judge finds that the original MRT decision stands.

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 did not process the Claimant's subsequent application for the same contested time period because no new medical records were submitted with the subsequent SSI approval and the Department properly issued a written notice of the eligibility determination in accordance with the Administrative Law Judge's Decision and Order on February 25, 2015.

DECISION AND ORDER

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



Carmen G. Fahie
Administrative Law Judge
for Nick Lyon, Director
Department of Health and Human Services

Date Signed: **8/3/2015**

Date Mailed: **8/3/2015**

CGF/las

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:

