

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

IN THE MATTER OF:

██████████
██████████
██████████

MAHS Reg. No.: 15-015502
Issue No.: 2001
Agency Case No.: ██████████
Hearing Date: October 29, 2015
County: Wayne-District 17

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 October 29, 2015, from Detroit, Michigan. Petitioner was represented by ██████████, representative with ██████████; Petitioner's authorized hearing representative (AHR). The Department of Health and Human Services (Department) was represented by ██████████, Assistance Payment Worker.

ISSUE

Did the Department properly process Petitioner's Medical Assistance (MA) case?

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 29, 2012, Petitioner applied for disability benefits with the Social Security Administration (SSA).
2. In February 2013, Petitioner applied for MA benefits, with a request for retroactive MA coverage to November 2012 (Exhibit 1).
3. On March 27, 2013, the Department sent Petitioner a Notice of Case Action denying the application for February 1, 2013, ongoing, finding that she was not blind, disabled, pregnant, parent/caretaker relative of a dependent child, or within the age requirements (Exhibit A).

4. On May 5, 2014, SSA issued a fully favorable decision finding Petitioner disabled with a disability onset date of October 28, 2012, and an October 1, 2012 eligibility date. SSA approved Petitioner for Retirement, Survivors and Disability Insurance (RSDI) benefits with an effective date of April 1, 2013 and for a lump sum Supplemental Security Income (SSI) issued to her in May 2014. (Exhibit 1).
5. On August 21, 2015, the AHR filed a request for hearing, alleging that Petitioner was eligible for MA based on her receipt of Supplemental Security Income (SSI).

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 AHR requested a hearing concerning an MA application filed on Petitioner's behalf on February 13, 2013, with request for retroactive coverage to November 2012. At the hearing, the AHR clarified that the period at issue was November 2012 through March 2013. 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 Petitioner had been approved by SSA on May 5, 2014, for disability-based benefits. The SOLQ report for Petitioner shows that Petitioner filed an SSA application on October 29, 2012 and that SSA concluded that she had a disability onset date of October 28, 2012 with a date of eligibility of October 1, 2012. From the SOLQ, it appears that Petitioner received a lump sum payment in May 2014 and that she became eligible for RSDI benefits as of April 1, 2013.

Because Petitioner applied on October 2012, was found disabled from October 2012, and has an October 1, 2012 date of SSI eligibility, she was an SSI recipient as of October 1, 2012. She continued to be an SSI recipient until she became eligible for RSDI in April 2013. Therefore, the Department did not act in accordance with Department policy when it failed to automatically provide Petitioner with MA coverage

for SSI recipients for the period between November 2012 and March 2013, as requested by the AHR.

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 the period November 2012 to March 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. Activate Petitioner's MA coverage for SSI recipients effective November 1, 2012; and
2. Provide Petitioner with MA coverage for SSI recipients between November 1, 2012 and March 31, 2013.



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

Date Signed: **11/16/2015**

Date Mailed: **11/16/2015**

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]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]