

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

IN THE MATTER OF:

[REDACTED]

MAHS Reg. No.: 15-018993
Issue No.: 2009
Agency Case No.: [REDACTED]
Hearing Date: January 21, 2016
County: Calhoun

ADMINISTRATIVE LAW JUDGE: Aaron McClintic

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; 42 CFR 431.200 to 431.250; and 45 CFR 205.10. After due notice, a 3-way telephone hearing was held on January 21, 2016, from Lansing, Michigan. The Petitioner was represented by [REDACTED]. The Department was represented by [REDACTED] and [REDACTED]. The Petitioner appeared at hearing.

ISSUE

Whether the Department properly determined that Petitioner was not disabled for purposes of the Medical Assistance (MA) benefit program?

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 July 17, 2015, Claimant applied for Retroactive Medicaid, for coverage back to February 2015.
2. On August 25, 2015, the Medical Review Team denied the request because a decision to deny coverage for those months was already made.
3. On October 7, 2015, Claimant requested hearing contesting the denial of retroactive Medicaid.
4. Client was awarded SSI benefits following an Administrative Hearing on November 24, 2014. Claimant's onset date was April 11, 2013, the date of his Social Security application.
5. Claimant sustained injuries on February 9, 2013 resulting in thoracic and lumbar spinal fractures.

CONCLUSIONS OF LAW

Department policies are contained in the Department of Human Services Bridges Administrative Manual (BAM), Department of Health and Human Services Bridges Eligibility Manual (BEM), and Department of Health and Human Services Reference Tables Manual (RFT).

The State Disability Assistance (SDA) program, which provides financial assistance for disabled persons, was established by 2004 PA 344. The Department administers the SDA program pursuant to 42 CFR 435, MCL 400.10 *et seq.* and Mich Admin Code, Rules 400.3151 – 400.3180. A person is considered disabled for SDA purposes if the person has a physical or mental impairment which meets federal Supplemental Security Income (SSI) disability standards for at least ninety days. Receipt of SSI benefits based on disability or blindness, or the receipt of MA benefits based on disability or blindness, automatically qualifies an individual as disabled for purposes of the SDA program.

A person eligible for Retirement, Survivors and Disability Insurance (RSDI) benefits based on disability or blindness meets the disability or blindness criteria. BEM 260 (July 2015). Disability or blindness starts from the RSDI disability onset date established by the SSA. BEM 260. A previously denied application is treated as if it is a pending application when the reason for the denial was that the Medical Review Team (MRT) determined the individual was not disabled and subsequently the Social Security Administration (SSA) finds the individual entitled to RSDI based on disability for some or all the time covered by the denied MA application. BEM 260

To be automatically eligible for MA, an SSI recipient must be a Michigan resident and cooperate with third-party resource liability requirements. BEM 150 (April 2015), p. 1. Ongoing MA eligibility begins the first day of the month of SSI entitlement. BEM 150, p. 11. Retro MA coverage is available back to the first day of the third calendar month prior to entitlement for SSI. BAM 115 (July 2015), p. 11. To be eligible for a retro MA month, the person must meet all financial and non-financial (i.e., be disabled) factors in that month and have unpaid medical expense incurred during the month or have been entitled to Medicare Part A. BAM 115, p. 11. A DHS-1171 (application) is not required for SSI recipients. BAM 115, p. 11.

In this case, Claimant was found eligible for SSI effective April 2013. Claimant is entitled to Retroactive coverage back to February 2013 because that is within 3 months of his eligibility date for SSI. BAM 115


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 Petitioner disabled for purposes of the MA benefit program effective February 2013.

DECISION AND ORDER

Accordingly, the Department's determination is **REVERSED**.

THE DEPARTMENT IS ORDERED TO INITIATE 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. This case is returned to the local office to determine whether Claimant met all of the other financial and non-financial eligibility factors necessary to qualify for Retro-MA.
2. If Claimant is found otherwise eligible the Department shall activate MA coverage effective February 2013.



Aaron McClintic
Administrative Law Judge
for Nick Lyon, Director
Department of Health and Human
Services

Date Mailed: **2/17/2016**

AM/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 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:

