



RICK SNYDER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
MICHIGAN ADMINISTRATIVE HEARING SYSTEM
Christopher Seppanen
Executive Director

SHELLY EDGERTON
DIRECTOR

[REDACTED]
[REDACTED]
[REDACTED]

Date Mailed: December 5, 2016
MAHS Docket No.: 16-014622

[REDACTED]
[REDACTED]

ADMINISTRATIVE LAW JUDGE: Vicki Armstrong

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 telephone hearing was held on November 9, 2016, from Lansing, Michigan. The Petitioner was represented by [REDACTED] from [REDACTED].

The Department of Health and Human Services (Department) was represented by Eligibility Specialist [REDACTED] [REDACTED] [REDACTED] testified on behalf of the Department. The Department submitted [REDACTED] through [REDACTED], which were admitted into evidence. The record was closed at the conclusion of the hearing.

ISSUE

Whether the Department properly determined that Petitioner was not disabled for purposes of the Medical Assistance (MA) and Retroactive-Medicaid (Retro-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 January 17, 2013, Petitioner applied for MA. [Dept. Exh. A].
2. On January 21, 2013, Petitioner submitted proof of his Social Security Income (SSI) claim to the Department. [Dept. Exh. B].

3. On March 6, 2013, the Department issued a Notice of Case Action to Petitioner, informing him his MA application was denied from December 1, 2012 ongoing because he was not disabled. [Dept. Exh. C].
4. On October 29, 2014, Petitioner was granted SSI with an onset date of January, 2013. [Dept. Exh. I].

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), and Department of Health and Human Services Reference Tables Manual (RFT).

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 Michigan, the SSA's determination of disability onset **is binding** for MA/Retro-MA eligibility purposes. (Emphasis added). In the present case, evidence of the favorable SSA decision conclusively establishes Petitioner meets the federal standard necessary to qualify for MA pursuant to BEM Items 150 and 260.

Pursuant to BEM 260, p 1 (7/1/2015), the Department looks to BEM 150, "if a person is receiving Supplemental Security Income (SSI)." Supplemental Security Income (SSI) is a cash benefit for needy individuals who are aged (at least 65), blind or disabled. BEM 150, p 1 (10/1/2015). The Social Security Administration (SSA) determines SSI eligibility. *Id.*

In Michigan, DHS supplements federal SSI payments based on the client's living arrangement. Thus, an SSI recipient means a Michigan resident who receives the basic federal payment, the state supplement, or both. *Id.* To be **automatically** eligible for Medicaid (MA) an SSI recipient must both be a Michigan resident and cooperate with third-party resource liability requirements. *Id.*

DHS administers MA for SSI recipients, including a continued MA eligibility determination when SSI benefits end. *Id.* Ongoing MA eligibility begins the first day of the month of SSI entitlement. *Id.* Some clients also qualify for **retroactive** (retro) MA coverage for up to three calendar months prior to SSI entitlement; see BAM 115. *Id.*

Pursuant to BAM 115, p 11 (10/1/2016), Retro MA coverage is available back to the first day of the third calendar month prior to entitlement to SSI.

Petitioner applied for MA and Retro-MA on January 17, 2013. Petitioner was approved for SSI with an established onset date of January, 2013. According to Department policy, "Retro-MA coverage is available back to the first day of the third calendar month prior to entitlement to SSI." BAM 115, p 11. Hence, Petitioner's eligibility for MA began on January 1, 2013.

Therefore, based on Department policy, this Administrative Law Judge finds Petitioner is entitled to Retro-MA back to the first day of the third calendar month prior to his January 17, 2013, application, or October, 2012. In this case, Petitioner is only requesting November and December of 2012.

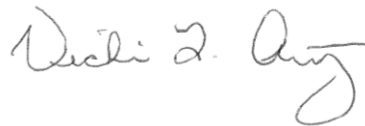
DECISION AND ORDER

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 Retro-MA benefit program.

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 THE ORDER WAS ISSUED:

1. The Department shall issue Petitioner Retro-active MA for the months of November and December of 2012, as long as he is otherwise eligible to receive them.
2. Department review of Petitioner's medical condition is not necessary as long as his SSA disability status continues.



Vicki Armstrong
Administrative Law Judge
for Nick Lyon, Director
Department of Health and Human Services

NOTICE OF APPEAL: A party may appeal this Order in circuit court within 30 days of the receipt date. A copy of the circuit court appeal must be filed with the Michigan Administrative Hearing System (MAHS).

A party may request a rehearing or reconsideration of this Order if the request is received by MAHS within 30 days of the date the Order was issued. The party requesting a rehearing or reconsideration must provide the specific reasons for the request. MAHS will not review any response to a request for rehearing/reconsideration.

A written request may be mailed or faxed to MAHS. If submitted by fax, the written request must be faxed to (517) 335-6088; 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

[REDACTED]

[REDACTED]
[REDACTED]
[REDACTED]

[REDACTED]

[REDACTED]
[REDACTED]
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