



GRETCHEN WHITMER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
MICHIGAN OFFICE OF ADMINISTRATIVE HEARINGS AND RULES
SUZANNE SONNEBORN
EXECUTIVE DIRECTOR

MARLON I. BROWN, DPA
DIRECTOR

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Date Mailed: November 21, 2024
MOAHR Docket No.: 24-010190
Agency No.: ██████████
Petitioner: ██████ ██████

ADMINISTRATIVE LAW JUDGE: Caralyce M. Lassner

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; 42 CFR 438.400 to 438.424; 45 CFR 99.1 to 99.33; and 45 CFR 205.10; and Mich Admin Code, R 792.11002. After due notice, a hearing was held by telephone on October 23, 2024. Petitioner was represented by their Authorized Hearing Representative (AHR), ██████████ ██████████. The Department of Health and Human Services (Department) was represented by Nikai Williams, Assistance Payments Worker, and Erik Lewis, Assistance Payments Supervisor.

ISSUE

Did the Department properly approve Petitioner for retroactive Medicaid (MA) coverage?

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 ██████████ ██████████ 2024, the Department received an application for MA and retroactive MA from Petitioner. (Exhibit A, pp. 7 – 10).
2. On June 18, 2024, the Department sent Petitioner a Healthcare Coverage Determination Notice (HCCDN) that approved Petitioner for full coverage MA effective June 1, 2024 ongoing. (Exhibit A, pp. 15 – 17).
3. On July 19, 2024, the Department sent Petitioner a HCCDN that approved Petitioner for retroactive full coverage MA effective March 1, 2024 through May 31, 2024. (Exhibit A, pp. 19 – 20).

4. On September 3, 2024, the Department received a request for hearing from Petitioner that disputed the Department's failure to approve Petitioner for retroactive MA for January and February 2024. (Exhibit A, pp. 4 – 5).

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.

Petitioner requested a hearing to dispute the Department's failure to approve Petitioner for retroactive MA for January and February 2024. The Department approved Petitioner for full coverage MA effective June 1, 2024 ongoing, and for retroactive full coverage MA effective March 1, 2024 through May 31, 2024.

Individuals who apply for MA benefits may be eligible for up to three months of retroactive MA coverage, dated back to the first day of the third calendar month prior to: the current or most recent application for MA, or the date the individual became a) entitled to Supplemental Security Income (SSI), b) a ward of the Department, or c) entitled to Title IV-E and special needs adoption assistance. BAM 115 (May 2024), p. 11.

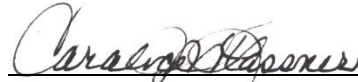
Here, Petitioner's current and most recent application was received by the Department on [REDACTED] [REDACTED] 2024. (Exhibit A, pp. 7 – 10). Because there was no evidence Petitioner was entitled to SSI, a ward of the Department, or entitled to Title IV-E and special needs adoption assistance, the date of Petitioner's current or most recent application was the applicable date to determine the lookback period for retroactive MA. The first day of the third calendar month prior to Petitioner's [REDACTED] [REDACTED] 2024 application was March 1, 2024. Therefore, the Department properly determined the earliest date Petitioner was eligible for retroactive MA was March 1, 2024, and Petitioner was not eligible for retroactive MA for January or February 2024.

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 determined Petitioner was eligible for retroactive MA effective March 1, 2024 through May 31, 2024.

DECISION AND ORDER

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

CML/nr



Caralyce M. Lassner
Administrative Law Judge

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 Office of Administrative Hearings and Rules (MOAHR).

A party may request a rehearing or reconsideration of this Order if the request is received by MOAHR 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. MOAHR will not review any response to a request for rehearing/reconsideration.

A written request may be mailed or faxed to MOAHR. If submitted by fax, the written request must be faxed to (517) 763-0155; Attention: MOAHR Rehearing/Reconsideration Request.

If submitted by mail, the written request must be addressed as follows:

Michigan Office of Administrative Hearings and Rules
Reconsideration/Rehearing Request
P.O. Box 30639
Lansing, Michigan 48909-8139

Via-Electronic Mail :

DHHS

Nathan Norman
Wayne-Adult Medical-DHHS
3040 West Grand Blvd
Suite 4-250
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MDHHS-Wayne-82-Hearings@michigan.gov

Interested Parties

BSC4
M. Schaefer
EQAD
MOAHR

Via-First Class Mail :

Petitioner

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██████, MI ██████

Authorized Hearing Rep.

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