

STATE OF MICHIGAN
STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES
ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF:

[REDACTED]

Reg. No: 2010-55574

[REDACTED]

Grand Traverse County DHS

ADMINISTRATIVE LAW JUDGE: Suzanne Morris

ORDER OF DISMISSAL

This matter is before the undersigned Administrative Law Judge by authority of MCL 400.9; and MCL 400.37 upon claimant's request for a hearing filed on August 4, 2010. After due notice, a hearing was held January 25, 2011.

Prior to the closure of the hearing record, it was determined that the claimant was disputing the closure of her Transitional Medicaid-Plus (TMA-Plus) coverage.

The State Office of Administrative Hearings and Rules for DHS does not have the authority to hold a hearing and issue a final Decision and Order regarding an applicant's or beneficiary's eligibility for TMA-Plus coverage. According to the Delegation of Authority signed by the Department of Community Health Director, effective May 1, 2005, the Michigan DCH Appeals Section was given the authority to hear and issue final decisions on requests for review received from individual applicants or beneficiaries who are requesting TMA-Plus, which is a State-funded medical program. Specifically, the Michigan DCH Appeals Section has the authority to review each case involving TMA-Plus eligibility and determine whether the DCH staff applied policies pertinent to the facts of the case. Further, the Appeals Section is required to fulfill its duties and responsibilities under the direction, and supervision of the DCH Director of the Office of Legal Affairs.

Thus, this Administrative Law Judge, being a Department of Human Services judge, does not have jurisdiction to hold a hearing on the claimant's issue of TMA-Plus eligibility. Therefore, this hearing is dismissed and the issue of claimant's TMA-Plus eligibility must be scheduled, reviewed and resolved by the DCH Appeals Section.

/s/

Suzanne L. Morris
Administrative Law Judge
for Maura D. Corrigan, Director
Department of Human Services

Date Signed: 2/2/11

Date Mailed: 2/2/11

NOTICE: Administrative Hearings may order a rehearing or reconsideration on either its own motion or at the request of a party within 30 days of the mailing date of this Decision and Order. Administrative Hearings will not order a rehearing or reconsideration on the Department's motion where the final decision cannot be implemented within 90 days of the filing of the original request.

The Claimant may appeal the Decision and Order to Circuit Court within 30 days of the mailing of the Decision and Order or, if a timely request for rehearing was made, within 30 days of the receipt date of the rehearing decision.

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