

STATE OF MICHIGAN
STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES

ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF: [REDACTED],
Claimant

Reg. No.: 2010-8289
Issue No.: 2007
Case No.: [REDACTED]
Load No.: [REDACTED]
Hearing Date:
May 26, 2010
Macomb County DHS (36)

ADMINISTRATIVE LAW JUDGE: Michael J. Bennane

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9; MSA 16.409 and MCL 400.37; MSA 16.437 upon the Claimant's request for a hearing. After due notice a telephone hearing was held on May 10, 2010. The Claimant personally appeared and testified.

ISSUE

Did the Department properly close the claimant's Medical Assistance (MA)?

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 22, 2009, the department notified the claimant that her Transitional Medicaid (TMA) was scheduled to end because the 12 months allowed would be reached.
2. On July 22, 2009, the department also notified the claimant that she was eligible for TMA plus and that she would have to make a premium payment of \$100.00 by August 21, 2009. (Department exhibit 1).

3. The claimant did not make the needed premium payment by August 21, 2009, and she was not allowed to enter the TMA Plus program.
4. On September 18, 2009, the claimant filed a request for a hearing.

CONCLUSIONS OF LAW

The Medical Assistance (MA) program is established by Title XIX of the Social Security Act and is implemented by Title 42 of the Code of Federal Regulations (CFR). The Department of Human Services (formerly known as the Family Independence Agency) administers the MA program pursuant to MCL 400.10, et seq., and MCL 400.105. Department policies are found in the Program Administrative Manual (PAM), the Program Eligibility Manual (PEM) and the Program Reference Manual (PRM).

In the instant case, the claimant transitional MA was about to end and the department notified the claimant of the ability to enter the TMA Plus program by paying premiums.

Subsequently, the claimant contacted the department and asked it to explain the TMA Plus program. The department scheduled a meeting with the claimant to explain TMA Plus on August 22, 2009.

The meeting scheduled by the department to give assistance to the claimant was scheduled the day after she would have had to enter the program she was seeking information about.

Helping Clients

All Programs

The local office must assist clients who need and request help to complete the application form. See [PAM 105](#). (PAM 115, p.1).

In the instant case the department failed to assist this client in a manner that would have allowed her to enter the TMA Plus program. It should be noted that the department did attempt to have the August 21, 2009, deadline extended to no avail.

DECISION AND ORDER

The Administrative Law Judge based on the above findings of fact and conclusions of law, REVERSES AND ORDERS the department to reprocess the claimant's TMA Plus application and retroactively make that program available to the claimant from September 1, 2009, or any date after September 1, 2009.



Michael J. Bennane
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: 6/29/2010

Date Mailed: 6/29/2010

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 receipt 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.

MJB/jlg

cc:

