

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 2013-26064
Issue No.: 2018
Case No.: [REDACTED]
Hearing Date: July 9, 2013
County: Washtenaw

ADMINISTRATIVE LAW JUDGE: Vicki L. Armstrong

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37 following Claimant's request for a hearing. After due notice, an in-person hearing was conducted at the Washtenaw County DHS office on July 9, 2013. Claimant, represented by Attorney [REDACTED] personally appeared and testified. Participants on behalf of the Department of Human Services (Department) included Assistance Payment Supervisor [REDACTED] and Eligibility Specialist [REDACTED].

ISSUE

1. Whether the Department properly closed Claimant's Transitional Medicaid (TMA) for failure to return requested verifications?

FINDINGS OF FACT

The Administrative Law Judge, based upon the competent, material, and substantial evidence on the whole record, including testimony of witnesses, finds as material fact:

1. Claimant applied for MA on April 26, 2011. (Hearing Summary).
2. Claimant was provided with a Verification Check list (DHS-3503) April 27, 2011. (Department Exhibit 1).
3. Claimant was required to submit requested verification by May 9, 2011. (Department Exhibit 1).
4. On May 16, 2011, the Department denied Claimant's application for failure to submit verification in a timely manner. (Department Exhibits 2-4).
5. On May 17, 2011, the Department sent notice of the denial of Claimant's application. (Department Exhibits 2-4).

6. On August 2, 2011, Claimant filed a hearing request, protesting the closure (Request for a Hearing).

CONCLUSIONS OF LAW

The Medical Assistance (MA) program is established by the Title XIX of the Social Security Act and is implemented by Title 42 of the Code of Federal Regulations (CFR). The Department (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 Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Reference Tables Manual (RFT).

TMA-Plus is a state-funded medical program. TMA-Plus is available to families after Transitional MA (TMA) ends to assist families who are unable to purchase employer-sponsored health care. TMA-Plus offers a way to extend medical coverage through a premium payment plan.

The redetermination procedures begin immediately so that all DHS actions are completed at least 40 days before the end of the 12-month TMA eligibility period. The normal redetermination procedures in BAM 210 are followed except:

- The due date for return of the DHS-1171 and verifications is the negative action effective date which corresponds to the processing date.
- If the application and/or verifications are returned incomplete, you **must** allow the group additional time to complete the application and/or obtain verifications. The due date is the negative action effective date which corresponds to the processing date.

Claimant credibly testified that she dropped off the requested verifications on January 22, 2013. The Department's Log showed Claimant dropped off documents on 1/22/13 at 4:30pm. The Department had the requested documents in Claimant's file during the hearing. The Department testified that it received the documents that were in the file during the prehearing conference. However, the documents were not date stamped.

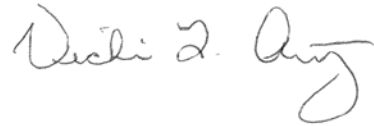
Therefore, based upon the Claimant's credible testimony, the Department's Log showing that she did drop off documents on 4/22/13, and lack of contradictory evidence, the Administrative Law Judge concludes that the Department improperly closed Claimant's TMA program.

DECISION AND ORDER

The Administrative Law Judge, based upon the above Findings of Fact and Conclusions of Law, finds that the Department improperly closed Claimant's TMA benefits.

Accordingly, the Department's decision is **REVERSED** and the Department is ordered to redetermine eligibility for the TMA program from 1/22/13.

It is SO ORDERED.



Vicki L. Armstrong
Administrative Law Judge
For Maura Corrigan, Director
Department of Human Services

Date Signed: July 29, 2013

Date Mailed: July 29, 2013

NOTICE: Michigan Administrative Hearing System (MAHS) 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. MAHS 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.

Claimant may request a rehearing or reconsideration for the following reasons:

- A rehearing **MAY** be granted if there is newly discovered evidence that could affect the outcome of the original hearing decision.
- A reconsideration **MAY** be granted for any of the following reasons:
 - misapplication of manual policy or law in the hearing decision,
 - typographical errors, mathematical error, or other obvious errors in the hearing decision that effect the substantial rights of the claimant;
 - the failure of the ALJ to address other relevant issues in the hearing decision

Request must be submitted through the local DHS office or directly to MAHS by mail at
Michigan Administrative Hearings
Reconsideration/Rehearing Request
P.O. Box 30639
Lansing, Michigan 48909-07322

2013-26064/VLA

VLA/las

cc:

