

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

IN THE MATTER OF:



Reg. No.: 201311021
Issue No.: 2006
Case No.: [REDACTED]
Hearing Date: April 23, 2013
County: Wayne 15

ADMINISTRATIVE LAW JUDGE: Gary F. Heisler

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9; and MCL 400.37 upon claimant's request for a hearing. After due notice, a hearing was held on April 23, 2013. Claimant appeared and testified.

ISSUE

Did the Department of Human Services properly close Claimant's Transitional Medical Assistance (TMA) on October 1, 2012 for failure to provide required information and verifications?

FINDINGS OF FACT

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

- (1) Claimant was an ongoing recipient of Transitional Medical Assistance (TMA) benefits. Claimant's eligibility was due for re-determination by September 30, 2012.
- (2) On July 16, 2012, Claimant was sent a Redetermination Form (DHS-1010) which was due back on August 1, 2012.
- (3) On October 18, 2012, Claimant was sent a Notice of Case Action (DHS-1605) which stated her TMA closed on October 1, 2012.
- (4) On October 23, 2012, Claimant submitted a request for 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 (DHS or department) 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 Program Reference Manual (PRM).

Claimant's case worker at the time the Redetermination Form (DHS-1010) was sent retired in August 2012. Case worker [REDACTED] is listed on the October 18, 2012 Notice of Case Action (DHS-1605) but was not present at this hearing. Claimant testified credibly that she made copies of her pay checks and mailed everything in on time.

The most important fact in deciding this case is that Claimant was receiving Transitional Medical Assistance (TMA) benefits. The Department's Exhibit 2 shows that Claimant's re-determination date for TMA was September 30, 2012. Department of Human Services Bridges Eligibility Manual (BEM) 111 Transitional MA (2012) provides the criteria for TMA and clearly states that TMA eligibility only lasts 12 months. The evidence presented by the Department indicates that Claimant's TMA eligibility certification period was for 12 months and ended on September 30, 2012. Claimant's TMA had to end on September 30, 2012.

Department of Human Services Bridges Eligibility Manual (BEM) 647 Transitional MA Plus (TMA-PLUS) (2011) states:

DEPARTMENT POLICY TMAP

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; see **PREMIUM PAYMENTS**.

LOCAL DHS RESPONSIBILITIES

The administration and implementation of the TMA-Plus program is a joint effort between the DHS and DCH. This section describes local DHS responsibilities.

Redetermination (TMA Ends)

A determination of continuing MA eligibility **must** be completed at least 40 days before the last day of the 12-month TMA period; see BEM 111 and **Initial Premium Payment** in this item.

There is no evidence in this record which indicates the Department followed policy leading up to the end of Claimant's TMA. If all the requirements of Department policy were not met, then the closure of Claimant's TMA was not correct.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides the Department of Human Services DID NOT properly close Claimant's Transitional Medical Assistance (TMA) on October 1, 2012 for failure to provide required information and verifications.

It is ORDERED that the actions of the Department of Human Services, in this matter, are REVERSED.

It is further ORDERED that Claimant be provided the opportunity to submit an application for TMA Plus with an effective date as directed in Bridges Eligibility Manual 647 and her eligibility for TMA Plus be determined in accordance with Department policy.

/s/

Gary F. Heisler
Administrative Law Judge
for Maura D. Corrigan, Director
Department of Human Services

Date Signed: 5/7/13

Date Mailed: 5/7/13

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.

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

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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

GFH/tb

cc:

