

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

IN THE MATTER OF:



Reg. No.: 201324653
Issue No.: 2015
Case No.: [REDACTED]
Hearing Date: May 30, 2013
County: Kalamazoo

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 May 30, 2013. Claimant appeared and testified.

ISSUE

Did the Department of Human Services properly end Claimant's Medical Assistance (MA) on January 1, 2013?

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 Medicaid (TMA). Claimant's benefit group consisted of herself, her [REDACTED] and their [REDACTED]
- (2) On December 14, 2012, Claimant was sent a Notice of Case Action (DHS 1605) which stated TMA coverage for all five group members would end on January 1, 2013.
- (3) On December 26, 2012, Claimant submitted a request for hearing.
- (4) On January 1, 2013, Claimant's Medical Assistance (MA) ended.

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).

In this case Claimant's benefit group was receiving Transitional Medicaid (TMA). Department of Human Services Bridges Eligibility Manual (BEM) 111 Transitional MA (2012) dictates that TMA can only last for 12 months. BEM 111 page 3 also requires that a determination for other MA categories and for TMA-Plus be completed at least 40 days before the end of the 12-month TMA period.

There is no evidence in this record which shows that the MA eligibility determination required by BEM 111 occurred. This Department action cannot be upheld.

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 end Claimant's Medical Assistance (MA) on January 1, 2013.

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

It is further ORDERED that Medical Assistance (MA) eligibility for Claimant's benefit group be determined beginning January 1, 2013 and if found eligible for any Medical Assistance (MA) coverage it be applied beginning January 1, 2013.

/s/

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

Date Signed: 6/4/13

Date Mailed: 6/5/13

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.

GFH/aca

cc:

