

**BEFORE THE ALASKA OFFICE OF ADMINISTRATIVE HEARINGS ON REFERRAL  
BY THE COMMISSIONER OF HEALTH AND SOCIAL SERVICES**

In the Matter of	)	
	)	OAH No. 13-0118-MDE <sup>1</sup>
L C	)	Division No.
_____	)	

**DECISION**

**I. Introduction**

L C and her family were receiving Transitional Medicaid benefits. The Division of Public Assistance (Division) notified her that these benefits would terminate at the end of January 2013. Ms. C requested a hearing, which was held on February 21, 2013. Ms. C represented herself and testified on her own behalf. Public Assistance Analyst Terri Gagne represented the Division.

Ms. C challenged the closure of her Transitional Medicaid case because her family did not receive a full twelve months of Transitional Medicaid benefits. Although the Division delayed issuing Ms. C's Medicaid coupons for at least four months (and possibly five months), Ms. C is not entitled to receive an extension to her family's Transitional Medicaid benefits because she was on actual notice that the Medicaid coupons were not issued and failed to act upon it. The Division's closure of Ms. C's Transitional Medicaid case as of the end of January 2013 is upheld.

**II. Facts**

Ms. C and her family members, including her domestic partner, were receiving Family Medicaid benefits in December 2011. Ms. C obtained a job in December 2011 that made her family financially ineligible for Family Medicaid benefits. As a result, the Division authorized the C family to receive Transitional Medicaid benefits, instead of Family Medicaid benefits, for the period from February 2012 through January 2013.<sup>2</sup>

The Division sent Ms. C notice on February 3, 2012 that the Family Medicaid benefits were being changed over to Transitional Medicaid, effective February 2012 through January

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<sup>1</sup> This case was originally designated a joint Medicaid and Food Stamp (also known as Supplemental Nutrition Assistance) matter. At hearing, Ms. C clarified that Food Stamp benefits were not in dispute. The case number is therefore corrected to reflect that this is a Medicaid Eligibility (MDE) case rather than a combined (CMB) Food Stamp and Medicaid case.

<sup>2</sup> Exs. 2.1 – 2.2.

2013.<sup>3</sup> The Division's records show that the February 2012 Medicaid coupon was issued on February 1, 2012.<sup>4</sup> The Division, however, neglected to send the C family its coupons, which were necessary for it to utilize its Transitional Medicaid benefits, for the months of March 2012 through June 2012, until July 2, 2012.<sup>5</sup> The coupons for the months of July 2012 through January 2013 were issued at the beginning of each of those months.<sup>6</sup>

Ms. C testified that she also did not receive either the February 2012 coupon or the February 3, 2012 notice that her family was authorized for Transitional Medicaid benefits. She verified that the Division had the proper mailing address for the family. However, because she did not receive the coupons, she says that she thought her family was no longer eligible to receive Medicaid benefits until she received the March through June coupons in July 2012. Consequently, she did not call the Division to inquire before July 2012 to ask for her coupons.<sup>7</sup> As a result, she asserts that her family did not receive a full year of Transitional Medicaid benefits and her domestic partner has delayed receiving necessary medical treatment.<sup>8</sup>

### **III. Discussion**

Transitional Medicaid is a form of Medicaid provided to Family Medicaid recipients who have lost their financial eligibility for Family Medicaid due to an increase in the parent's (or other caregiver's) earned income.<sup>9</sup> Transitional Medicaid benefits are limited to a twelve month period or less.<sup>10</sup>

Ms. C does not disagree with the change in her Medicaid benefits from Family Medicaid to Transitional Medicaid. Instead, she argues that her family was entitled to receive twelve months of Transitional Medicaid benefits, and that the Division's undisputed failure to timely issue Medicaid coupons for March 2012 through June 2012 resulted in her family receiving less than a full year of benefits. As a consequence, she maintains that her family should receive additional benefits to total a full year.

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<sup>3</sup> Ex. 2.2.  
<sup>4</sup> Ex. 2.3.  
<sup>5</sup> Exs. 23, 2.6; Ms. C testimony.  
<sup>6</sup> Ex. 2.3.  
<sup>7</sup> Ms. C testimony.  
<sup>8</sup> Ms. C testimony.  
<sup>9</sup> 7 AAC 100.200(a).  
<sup>10</sup> 7 AAC 100.200(a).

There is a factual discrepancy as to whether Ms. C was properly notified of the change in her family's Medicaid coverage and whether she received a coupon for February 2012. It is not necessary to resolve these factual issues because Ms. C was clearly placed on actual notice that her Medicaid benefits had changed by her non-receipt of the coupons in early March 2012 at the very latest, as demonstrated by the fact she was not issued a coupon for that month until July 2012.<sup>11</sup> Ms. C, however, did not act upon the change to her Medicaid benefits, despite her actual knowledge of the change. She did not contact the Division to inquire about the change in her benefits.

There was an admitted mistake on the Division's part, when it did not send out coupons for March through June of 2012.<sup>12</sup> Ms. C, however, did not act upon that mistake, although she undoubtedly knew her family wasn't receiving coupons during those months. Ms. C failed to contact the Division to check on the Medicaid benefits, under circumstances where a reasonable person would have done so. She therefore cannot, at this late date, request that her Transitional Medicaid benefits be extended so that her family receives the full 12 months of Transitional Medicaid benefits which it would have otherwise received had the Division issued the Medicaid coupons in a timely manner. It must be noted that Ms. C's domestic partner could have fully availed himself of the Medicaid benefits during the months of July 2012 through January 2013, since coupons were timely issued for those months. As a result, the argument that Ms. C's domestic partner had to delay medical treatment beyond the end of the transitional year is not persuasive.

#### **IV. Conclusion**

Although there was a delay of several months in issuance of her initial Transitional Medicaid coupons, Ms. C is not entitled to receive an extension to her family's Transitional Medicaid benefits because she was on actual notice that the Medicaid coupons were not issued

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<sup>11</sup> If her testimony that she did not receive a Medicaid coupon for February 2012 was correct, Ms. C would have been upon actual notice of the change in her family's Medicaid benefits as early as the first part of February 2012.

<sup>12</sup> In addition, there is a disputed allegation of failure to send a February 2012 coupon.

and failed to act upon it. The Division's closure of Ms. C's Transitional Medicaid case as of the end of January 2013 is upheld.

DATED this 14th day of March, 2013.

*Signed*  
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Lawrence A. Pederson  
Administrative Law Judge

## **Adoption**

The undersigned, by delegation from the Commissioner of Health and Social Services, adopts this Decision, under the authority of AS 44.64.060(e)(1), as the final administrative determination in this matter.

Judicial review of this decision may be obtained by filing an appeal in the Alaska Superior Court in accordance with Alaska R. App. P. 602(a)(2) within 30 days after the date of this decision.

DATED this 28<sup>th</sup> day of March, 2013.

By: *Signed*  
\_\_\_\_\_  
Name: Lawrence A. Pederson  
Title: Administrative Law Judge

[This document has been modified to conform to the technical standards for publication.]