STATE OF MICHIGAN
STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES

ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF: ███████,

Claimant

Reg. No: 2010-13852
Issue No: 2013
Case No: ████████
Load No: ████████
Hearing Date:
February 3, 2010
Mason County DHS

ADMINISTRATIVE LAW JUDGE: Jana A. Bachman

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 telephone hearing was held on February 3, 2010. Claimant was represented by ████████

ISSUE

Whether the Department of Human Services (department) properly determined claimant's eligibility for Medical Assistance (MA).

FINDINGS OF FACT

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

(1)   On or about December 3, 2009, the department completed an SSI-related Medical Assistance budget. Total income was ████ consisting solely of claimant's ████████ ████ benefits. A standard ████ was deducted leaving net unearned income of ████ The income limit for qualified medical beneficiaries (QMB) Medical Assistance is ████. Claimant

had excess income to qualify. Department Exhibit A;

https://aspe.hhs.gov/poverty/09poverty.shtml.

(2)   Claimant testified at hearing to the accuracy of the income figures.

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 Program Administrative

Manual (PAM), the Program Eligibility Manual (PEM) and the Program Reference Manual

(PRM).

Medicare Savings Programs are SSI-related MA categories. Qualified Medical

Beneficiaries (QMB) is a type of Medicare Savings Program. To qualify for the program, net

countable MA income must not be over 100% of the poverty level. A person who is eligible for

one of these Medicare Savings Program categories cannot choose to receive a different Medicare

Savings Program category. QMB pays Medicare premiums Medicare coinsurances and Medicare

deductibles. Federal law requires that for January, February, and March the ▮▮▮ cost of living

increase received starting in January be disregarded for fiscal group members and the income

limits for the preceding December be used. For all other months, countable ▮▮▮ income means

the countable amount for the month being tested. Bridges Eligibility Manual (BEM) 165; Social

Security Act Section 1902(a)(10)(E)(i) for QMB.

In this case, the department determined claimant's eligibility for QMB benefits during

December 2009. Claimant's December 2009 ▮▮▮ was ▮▮▮. At hearing, claimant agreed this

was accurate. Claimant's maximum income limit to qualify for the QMB program is ▮▮▮ Her

countable income of ▮▮▮▮ was in excess of this limit. Accordingly, the department has met its burden of proof and the department's actions must be upheld.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the department properly determined claimant's eligibility for QMB benefits.

Accordingly, the department's action is, hereby, UPHELD.

/s/
Jana A. Bachman
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: April 22, 2010

Date Mailed: April 22, 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.

JAB/db

cc: