

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

IN THE MATTER OF THE CLAIM OF:

[REDACTED]

Reg. No.: 201041034
Issue No.: 2000; 2017
Case No.: [REDACTED]
Load No.: [REDACTED]
Hearing Date: October 11, 2010
Wayne County DHS

ADMINISTRATIVE LAW JUDGE: Aaron McClintic

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37 upon the Claimant's request for a hearing. After due notice, a telephone hearing was held on October 11, 2010. The Claimant appeared at the hearing and testified. [REDACTED] and [REDACTED] appeared on behalf of the Department.

ISSUE

Was the Department correct in closing Claimant's MA and Medicare Savings Program benefits for failing to return 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 MA benefits.
- (2) On March 15, 2010 Notice of Case Action was sent to Claimant proposing that MA benefits and Medicare Savings Program benefits would close on April 1, 2010.
- (3) Claimant requested a hearing on March 23, 2009 contesting the closure of MA and Medicare Savings Program benefits.

- (4) The parties reached an agreement whereby the Department agreed to reinstate MA and Medicare Savings Program benefits back to the date of the proposed closure and that the negative action would be deleted.

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 (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 Program Reference Manual (PRM).

MEDICARE SAVINGS PROGRAMS BENEFITS--QMB Benefits QMB pays: • Medicare premiums, and QMB Net income **cannot** exceed 100% of poverty. SLMB Net income is over 100% of poverty, but **not** over 120% of poverty. ALMB (Q1) Net income is over 120% of poverty, but **not** over 135% of poverty. **Note:** QMB pays Medicare Part B premiums and Part A premiums for those few people that have them. • Medicare coinsurances, and • Medicare deductibles. **SLMB Benefits** SLMB pays Medicare Part B premiums. **ALMB Benefits** ALMB pays Medicare Part B premiums provided funding is available. The Department of Community Health decides whether funding is available. BEM 165.

Under Bridges Administrative Manual Item 600, clients have the right to contest any agency decision affecting eligibility or benefit levels whenever they believe the decision is illegal. The agency provides an Administrative Hearing to review the decision and determine if it is appropriate. Agency policy includes procedures to meet the minimal requirements for a fair hearing. Efforts to clarify and resolve the client's concerns start when the agency receives a hearing request and continues through the day of the hearing.

In the present case, the parties reached an agreement whereby the Department agreed to reinstate MA and Medicare Savings Program benefits back to the date of the proposed closure and that the negative action would be deleted. Since the Claimant and the Department have come to an agreement it is unnecessary for this Administrative Law Judge to make a decision regarding the facts and issues in this case.

DECISION AND ORDER

The Department and Claimant have come to a settlement regarding Claimant's request for a hearing. Therefore it is ORDERED that the Department reinstate MA and Medicare Savings Program benefits back to the date of the proposed closure and that the

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negative action would be deleted, in accordance with this settlement agreement.

/s/



Aaron McClintic
Administrative Law Judge
For Ismael Ahmed, Director
Department of Human Services

Date Signed: October 13, 2010

Date Mailed: October 13, 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 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.

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cc:

