

STATE OF MICHIGAN
MICHIGAN ADMINISTRATIVE HEARING SYSTEM
ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF:

[REDACTED]

Reg. No: 201043275
Issue No: 2017
Hearing Date: August 24, 2010
Iosco County DHS

ADMINISTRATIVE LAW JUDGE: Janice G. Spodarek

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, an in-person hearing was held on August 24, 2010.

ISSUE

Did the DHS properly process/pay claimant's Medicare medical insurance premium beginning February 2010?

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 April 19, 2010, claimant filed a hearing request.
2. Claimant argues he was not paid the Medicare medical insurance premium for February 2010.
3. The DHS does not have access to the Social Security records. On behalf of claimant, the record was held open in this case for the department to assist claimant in obtaining verification from Social Security.

4. The department subsequently sent verification to the undersigned Administrative Law Judge from the Social Security Administration which verified that claimant was notified on June 8, 2010 that: "The State of Michigan will pay your Medicare medical insurance premium beginning February 2010" in the amount of [REDACTED] around June 16, 2010. On the notice sent to claimant at the same address claimant listed for the DHS claimant was given a right to ask for an appeal should he dispute the notice from SSA.

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 BRIDGES Reference Manual (BRM).

Applicable policy and procedure to the case herein is found primarily in BEM Item 165; RFT 242.

In this case, claimant disputed the fact that the department indicated it paid claimant's Medicare medical insurance premium beginning February 2010. Claimant disputes the month of February 2010.

The undersigned Administrative Law Judge asked the department to go out of its way to check on the QMB payment status. The department obtained verification from the Social Security Administration. The Social Security Administration gave the department a copy of a letter it specifically sent to claimant at claimant's address. That letter indicates that QMB payment will be paid by the State of Michigan beginning February, 2010 which will be issued approximately June, 2010.

The department has met its burden of proof. Claimant received the letter from a different department. It is unknown if claimant disputed this payment with Social Security Administration. As applied to the facts herein, and DHS policy and procedure with regards to QMB payment, this Administrative Law Judge finds no grievable issue and that the payment was made in accordance with policy and procedure and claimant received all the benefits to which he was entitled.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the department's actions were correct.

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Accordingly, the department's actions are UPHELD.

/S/

Janice G. Spodarek
Administrative Law Judge
for Maura D. Corrigan, Director
Department of Human Services

Date Signed: May 24, 2011

Date Mailed: May 24, 2011

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.

JGS/db

cc:

