

STATE OF MICHIGAN
STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES

ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF: [REDACTED],
Claimant

Reg. No: 2010-880
Issue No: 2017
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
May 13, 2010
Muskegon County DHS

ADMINISTRATIVE LAW JUDGE: Ivona Rairigh

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 May 13, 2010. Claimant personally appeared and testified.

ISSUE

Is the claimant entitled to reimbursement of her Medicare Part B premiums for the months of January and February, 2009?

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 received a letter from the department on January 14, 2009 telling her that her Medicare Savings Program will begin effective February 1, 2009.

2. The letter also advised the claimant that it could take up to 4 months before she received reimbursement for her Medicaid premiums paid prior to the start of her Medicare Savings Program.

3. Claimant requested a hearing on June 18, 2009 because she had not received the Medicare premium reimbursement for the months of January and February, 2009.

4. Claimant testified at the hearing that she had still not received the reimbursement in question.

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).

Departmental policy addresses Medicare and Medicare Cost-Sharing. BAM 810. The Part B Buy-In program is used to pay Part B premiums. The program is an agreement between Department of Community Health (DCH) and Social Security Administration (SSA). For persons included in the Part B Buy-In program Medicaid (MA) pays the Medicare premium and enrolls persons eligible for, but not enrolled in, Medicare Part B if they are enrolled in Medicare Part A or have refused Medicare Part B enrollment. Generally, the Buy-In program operates automatically based on computer tapes from SSA and central office.

In claimant's case the SOLQ Data computer printout from SSA shows that she is enrolled in Medicare Part A and also enrolled in Medicare Part B effective January 1, 2009. Why the claimant has not been reimbursed for her January and February, 2009 Medicare Part B premiums

is not known, as this reimbursement has been requested on the department's Bridges system several months ago according to the department's Hearing Summary. Departmental policy however does states that "problems arise from time to time". BAM 810, page 7. Direct problems related to Medicare status on CIMS or the Buy-In programs are to be addressed to the Buy-In unit in Lewis Cass Building in Lansing, according to the departmental policy. Departmental representative at the hearing states she will pursue a resolution to claimant's issue by contacting this unit and/or inquiring further from other departmental sources as to how to resolve it.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the department has not determined the status of claimant's entitlement to Medicare Part B premium reimbursement for the months of January and February, 2009. Department has no information at the time of the hearing for the Administrative Law Judge to determine such status. Department shall therefore:

1. Review claimant's case and contact the Buy-In unit in accordance with instructions in BAM 810; or
2. Contact appropriate departmental sources to resolve claimant's issue and determine if she is eligible for Part B premium reimbursement for above-cited months.
3. Notify the claimant in writing of this determination, to include a detailed explanation of the reason for non-eligibility for the reimbursement if this ends up being the case.

SO ORDERED.

/s/ _____
Ivona Rairigh
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: May 18, 2010

Date Mailed: May 19, 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.

IR/tg

cc:

