

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 2011-11658
Issue No.: 2000
Case No.: [REDACTED]
Hearing Date: February 16, 2011
Macomb County DHS (20)

ADMINISTRATIVE LAW JUDGE: Christian Gardocki

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 February 16, 2011. The claimant appeared and testified; [REDACTED] testified on behalf of Claimant. On behalf of Department of Human Services (DHS), [REDACTED], Specialist, appeared and testified.

ISSUES

1. Whether DHS resolved Claimant's dispute concerning ongoing Medical Assistance (MA) benefits.
2. Whether Claimant is entitled to administrative resolution of a disputed issue that arose following Claimant's hearing request.

FINDINGS OF FACT

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

1. Claimant was an ongoing Medicaid recipient.
2. On an unspecified date, DHS terminated Claimant's MA coverage due to an unspecified stoppage or change in Claimant's Social Security Administration (SSA) benefits.
3. On 9/16/10, Claimant requesting a hearing disputing the termination of ongoing Medicaid.
4. On an unspecified date, DHS restored Claimant's MA coverage after discovering that Claimant continued to receive SSA benefits.

5. DHS restored Claimant's ongoing Medicaid so that Claimant suffered no lapse in coverage.
6. On 12/28/10, Claimant received a letter informing her of the termination of Medicare Savings Program (MSP) benefits.
7. Claimant also stated that she is disputing the failure by DHS to continue paying Claimant's Medicare premium.

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 Reference Tables Manual (RFT).

MA provides medical assistance to individuals and families who meet financial and nonfinancial eligibility factors. The goal of the MA program is to ensure that essential health care services are made available to those who otherwise would not have financial resources to purchase them. MSP is part of the MA benefit program.

Claimant requested a hearing on 9/16/10 for one purpose, to dispute the termination of Claimant's MA benefits. Following Claimant's hearing request, DHS restored Claimant's MA benefits. As Claimant no longer disputes the action by Department of Human Services (DHS), it is not necessary for the undersigned to decide the matter that was previously in dispute. Pursuant to MAC R 400.906 and 400.903, concerning the matter of Claimant's ongoing MA benefits, Claimant's hearing request is appropriately dismissed.

MSP programs offer three different degrees of assistance with payment toward a client's Medicare premium and deductibles. Qualified Medicare Beneficiaries (QMB) coverage pays for a client's Medicare premiums, deductibles and coinsurances. Specified Low Income Beneficiaries (SLMB) coverage pays for a client's Medicare Part B premium. Additional Low Income Beneficiaries (ALMB) coverage pays for a client's Medicare Part B premium if funding is available.

Claimant also raised an issue of MSP. Claimant received a letter dated 12/28/10 informing her that MSP eligibility would stop effective 2/2011. Based on the date of the letter, Claimant could not have intended to dispute this action at the time of the 9/16/10 hearing request. This is a separate action then the one taken previously by DHS. As

such, Claimant must request a separate hearing on this matter. The undersigned does not have authority to review DHS actions that occur after a hearing request is filed. The undersigned makes no findings or conclusions concerning the correctness of the DHS termination of Claimant's MSP eligibility other than Claimant must submit a new and separate hearing request to dispute the 12/28/10 decision.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that DHS resolved Claimant's hearing dispute concerning the termination of MA benefits for Claimant. The undersigned also has no authority to determine Claimant's dispute concerning MSP eligibility because Claimant has yet to properly request a hearing following DHS notice of this issue. Claimant's hearing request dated 9/16/10 is DISMISSED.



Christian Gardocki
Administrative Law Judge
For Maura Corrigan, Director
Department of Human Services

Date Signed: 3/1/2011

Date Mailed: 3/1/2011

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.

CG/jlg

201111658/CG

cc:

