

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 201223415
Issue No.: 2017
Case No.: [REDACTED]
Hearing Date: March 1, 2012
County: Wayne DHS (82)

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 following Claimant's request for a hearing. After due notice, a telephone hearing was held on March 1, 2012 from Detroit, Michigan. Participants on behalf of Claimant included the above named claimant. Participants on behalf of Department of Human Services (DHS) included [REDACTED], Specialist.

ISSUE

The issue is whether DHS failed to process payments concerning Claimant's eligibility for Medicare Savings Programs (MSP).

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 MSP benefit recipient for at least all of 2011.
2. Claimant was an ongoing Retirement, Survivor, Disability Insurance (RSDI) recipient.
3. Claimant's RSDI checks were allegedly reduced by \$115.40 in 10/2011 and 11/2011.
4. On 12/8/11, Claimant requested a hearing to dispute the alleged failure by DHS to process MSP eligibility.

CONCLUSIONS OF LAW

Department policies are contained in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM), and the Reference Tables Manual (RFT).

The Medical Assistance (MA) program is established by the 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.

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.

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 DHS funding is available.

In the present case, Claimant alleged that her ongoing RSDI payments were reduced in 10/2011 and 11/2011 by the amount of her ongoing Medicare premium. Claimant testified that she contacted the Social Security Administration (SSA) concerning the reductions and was advised that the reductions were due to some failure by DHS. The only possible relationship between the supposed RSDI reductions and DHS would be Claimant's MSP eligibility.

The best method to verify MSP eligibility would be to check an Eligibility Summary (see Exhibit 3). The submitted Eligibility Summary included MSP history from 8/2010-1/2012. For each of these months, the Eligibility Summary noted that QMB was authorized. Thus, there is no reason to believe that DHS failed in any respect in processing Claimant's MSP benefit eligibility.

For good measure, Claimant submitted two letters (Exhibits 1 and 2) from SSA. The letter dated 2/1/12 (Exhibit 2) noted that Claimant is entitled to a reimbursement of \$99.90, due to a reimbursement of a Medicare premium that Claimant already paid. The concession by SSA that they are the responsible party for a portion of a payment error makes it more likely that they are responsible for the entire payment error. It should be noted that Claimant testified that she is entitled to a refund of \$230.80; thus the \$99.90 payment error does not resolve Claimant's dispute.


It is remotely possible that DHS committed some unknown administrative error that may have affected Claimant's RSDI payments. Claimant is encouraged to continue to seek

more information from SSA concerning the issue. However, based on the presented evidence, there was no evidence to support a finding that DHS failed to properly process Claimant's MSP eligibility for benefit months 10/2011 or 11/2011.

DECISION AND ORDER

The Administrative Law Judge, based upon the above Findings of Fact and Conclusions of Law, and for the reasons stated on the record, finds that the Department did act properly when determining Claimant's MSP eligibility

Accordingly, the Department's AMP FIP FAP MA/MSP SDA CDC decision is AFFIRMED REVERSED for the reasons stated on the record.


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

Date Signed: March 6, 2012

Date Mailed: March 6, 2012

NOTICE: Michigan Administrative Hearing System (MAHS) 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. MAHS 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. (60 days for FAP cases).

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.

Claimant may request a rehearing or reconsideration for the following reasons:

- A rehearing **MAY** be granted if there is newly discovered evidence that could affect the outcome of the original hearing decision.
- A reconsideration **MAY** be granted for any of the following reasons:
 - misapplication of manual policy or law in the hearing decision,
 - typographical errors, mathematical error, or other obvious errors in the hearing decision that effect the substantial rights of the claimant:
 - the failure of the ALJ to address other relevant issues in the hearing decision.

201223415/CG

Request must be submitted through the local DHS office or directly to MAHS by mail to:
Michigan Administrative hearings
Reconsideration/Rehearing Request
P. O. Box 30639
Lansing, Michigan 48909-07322

CG/hw

cc:

