

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 201324609
Issue No.: 2012, 2017
Case No.: [REDACTED]
Hearing Date: February 14, 2013
County: Wayne DHS (19)

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 February 14, 2013 from Detroit, Michigan. Participants included the above-named claimant. Participants on behalf of Department of Human Services (DHS) included [REDACTED], Specialist.

ISSUE

The issue is whether DHS properly determined Claimant's eligibility for Medical Assistance (MA) and Medicare Savings Program (MSP) benefits.

FINDINGS OF FACT

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

1. On an unspecified date, DHS terminated Claimant's eligibility for MA and MSP benefits.
2. On an unspecified date, DHS reinstated Claimant's eligibility for MA benefits, effective 1/2013, and MSP benefits, effective 2/2013.
3. On 12/26/12, Claimant requested a hearing to dispute a failure by DHS to reinstate her MA and MSP eligibility.

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). DHS 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.

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.

Claimant requested a hearing to dispute a termination of Medicaid and MSP eligibility. DHS conceded that the program terminations occurred in error and that Medicaid and MSP was restored. DHS presented Claimant with documentary evidence confirming the reinstatements. Despite documentary evidence of the reinstatement, Claimant was dissatisfied because she received correspondence from Social Security Administration (SSA) indicating that her SSA income would be reduced in 3/2012 for payment of a Medicare premium. The correspondence cited by Claimant would appear to be contradictory with a reinstatement of MSP benefits.

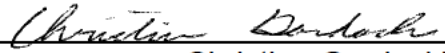
The buy-in (i.e. MSP eligibility) is usually processed at the end of the calendar month that a case is opened in Bridges (the DHS database). BAM 810 (10/2012), p. 7. It takes SSA about 120 days after that to adjust the client's RSDI check. *Id.* The client will receive a refund for premiums paid while the buy-in was being processed. *Id.* Based on the presented evidence, the delay in SSA recognition of Claimant's MSP eligibility is appropriate. If Claimant is not eventually fully reimbursed for her premiums, Claimant may request a hearing on that issue in the future.

Claimant's dispute concerning Medicaid is unrelated to the MSP dispute. Concerning Medicaid, the DHS approval should have been effective immediately. Claimant conceded that she has not received any evidence suggesting that she is not eligible for Medicaid.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that DHS properly reinstated Claimant's MA and MSP eligibility thereby

resolving the disputes cited by Claimant's hearing request. The actions taken by DHS are AFFIRMED.


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

Date Signed: 2/19/2013

Date Mailed: 2/19/2013

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.

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

CG/hw

cc:

