

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

IN THE MATTER OF:

██████████
██████████
████████████████████

Reg. No.: 2013 39378
Issue No.: 2017
Case No.: ██████████
Hearing Date: July 11, 2013
County: Wayne (19)

ADMINISTRATIVE LAW JUDGE: Lynn M. Ferris

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 July 11, 2013, from Detroit, Michigan. Participants on behalf of Claimant included the Claimant. Participants on behalf of the Department of Human Services (Department) included ██████████ ES.

ISSUE

Did the Department properly reimburse the Claimant for the Medicaid Part B QMB premium?

FINDINGS OF FACT

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

1. The Claimant applied for Medical Assistance on October 1, 2013 and the Claimant's application was registered October 2, 2013. Exhibit 2
2. The Department issued a Notice of Case Action on October 2, 2013 approving the Claimant's spouse for the QMB program Medicaid Premium Part B reimbursement effective November 1, 2012. Exhibit 4
3. The Social Security Administration continued to deduct the \$99 Part B premium for the months of November and December 2012 in error.
4. The Department reimbursed the Claimant for November and December 2012 Part B premium in the amount of \$199.

5. The Claimant requested a hearing requesting that the Department reimburse the Claimant for the months prior to the Claimant's Medical Assistance Application (June 2012 through September 2012).

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.

Additionally, in this case the Claimant became eligible for Medicaid Part B reimbursement as of November 1, 2012. Exhibit 4. Even though eligible for reimbursement of \$99 Part B premium beginning November 2012, the premium continued to be deducted from the Claimant's social security check. By the end of December, 2012 the Department corrected the error and reimbursed the Claimant a total of \$199 and placed the money on the Claimant's bridge card. The Claimant also sought reimbursement from the Department for months prior to the QMB approval for Part B premiums deducted from the Claimant's social security check. Based upon the evidence presented and the Department approval date of November 1, 2012, the Department has no responsibility to reimburse the Claimant as the Claimant had no basis for reimbursement by the State of Michigan for the Part B premium prior to the date the application was approved, November 1, 2012. Thus the Claimant should seek further clarification regarding the premium deduction from the Social Security Administration as to the reason for the deductions from the Claimant's social security check.

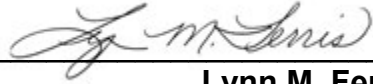
DECISION AND ORDER

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 it reimbursed the Claimant for Medicaid Part B Premiums for November and December 2012 only.

did not act properly when

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



Lynn M. Ferris
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: July 22, 2013

Date Mailed: July 22, 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 affect the substantial rights of the claimant,
 - 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

LMF/cl

cc: [REDACTED]
[REDACTED]
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