

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

**IN THE MATTER OF:**

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

Reg. No.: 2013-65292  
Issue No.: 2017; 2018  
Case No.: ██████████  
Hearing Date: October 24, 2013  
County: Oakland (03)

**ADMINISTRATIVE LAW JUDGE:** Eric Feldman

**HEARING DECISION**

Following Claimant's request for a hearing, this matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and 400.37; 7 CFR 273.15 to 273.18; 42 CFR 431.200 to 431.250; 45 CFR 99.1 to 99.33; and 45 CFR 205.10. After due notice, a telephone hearing was held on October 24, 2013, from Detroit, Michigan. Participants on behalf of Claimant included Claimant and Claimant's mother, ██████ Rowe. Participants on behalf of the Department of Human Services (Department or DHS) included ██████ Family Independence Manager.

**ISSUE**

Did the Department properly close Claimant's Medicare Savings Program (MSP) and Medical Assistance (MA) cases?

**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 recipient of MA under the Freedom to Work (FTW) program and MSP benefits.
2. On August 19, 2013, Claimant filed a hearing request, protesting the closure his MSP benefits. See Exhibit 1.
3. On August 26, 2013, the Department sent Claimant a Notice of Case Action notifying him that his MA – FTW coverage would close effective October 1, 2013, ongoing, due to his failure to comply with the verification requirements. See Exhibit 1.

4. On August 27, 2013, the Department sent Claimant a Notice of Case Action notifying him that his MA under the FTW program was approved effective September 1, 2013, ongoing. Exhibit 1.
5. On August 27, 2013, the Notice of Case Action also notified him that his MSP under the QMB application was denied effective October 1, 2013, ongoing. Exhibit 1.
6. On September 6, 2013, Claimant filed a second hearing request, protesting the closure of his MSP benefits. See Exhibit 1.

### **CONCLUSIONS OF LAW**

Department policies are contained in the Department of Human Services Bridges Administrative Manual (BAM), Department of Human Services Bridges Eligibility Manual (BEM), Department of Human Services Reference Tables Manual (RFT), and Department of Human Services Emergency Relief Manual (ERM).

The Medical Assistance (MA) program is established by the Title XIX of the Social Security Act, 42 USC 1396-1396w-5, and is implemented by 42 CFR 400.200 to 1008.59. The Department of Human Services (formerly known as the Family Independence Agency) administers the MA program pursuant to MCL 400.10 and MCL 400.105.

As a preliminary matter, the Department sent Claimant a Notice of Case Action on August 7, 2013, notifying him that his MSP benefits would close effective September 1, 2013. See Exhibit 1. Claimant timely requested a hearing resulting in a hearing on September 19, 2013. The Hearing Decision ordered the Department to reinstate the MSP as of September 1, 2013, ongoing.

The Medicare Savings Programs are SSI-related MA Categories. BEM 165 (October 2013), p. 1. The three Medicare Savings Programs are Qualified Medicare Beneficiaries (also known as full-coverage QMB); Specified Low-Income Medicare Beneficiaries (also referred to as limited coverage QMB and SLMB); and Additional Low-Income Medicare Beneficiaries (also known as ALMB or Q1). BEM 165, p. 1.

QMB pays: Medicare premiums (note: QMB pays Medicare Part B premiums and Part A premiums for those few people that have them), and Medicare coinsurances, and Medicare deductibles. BEM 165, p. 1.

In this case, on August 26, 2013, the Department sent Claimant a Notice of Case Action notifying him that his MA – FTW coverage would close effective October 1, 2013, ongoing, due to his failure to comply with the verification requirements. Then, on August 27, 2013, the Department sent Claimant a Notice of Case Action notifying him that his MSP under the QMB application was denied effective October 1, 2013, ongoing. Exhibit 1. Moreover, on August 27, 2013, the Department sent Claimant a Notice of

Case Action notifying him that his MA under the FTW program was approved effective September 1, 2013, ongoing. Exhibit 1.

Nevertheless, it was discovered during the hearing that Claimant's MSP benefits under the QMB program had been restored effective September 1, 2013, ongoing. See Eligibility Summary, Exhibit 1. Thus, the Department cured its action and Claimant's MSP benefits under the QMB application were effective September 1, 2013, ongoing. Therefore, the Department's action of restoring Claimant's MSP benefits under the QMB benefits effective September 1, 2013, ongoing, is affirmed.

It should be noted that the Department sent Claimant a Notice of Case Action on October 3, 2013, notifying him that his MSP benefits under the QMB was approved effective September 1, 2013, ongoing. See Exhibit 1.

It should also be noted that on October 3, 2013, the Department sent Claimant a Notice of Case Action notifying him that his MA coverage under the FTW benefits would close effective November 1, 2013, ongoing, due to him not being eligible. This action is subsequent to Claimant's hearing request and cannot be addressed in this decision. See BAM 600 (July 2013), pp. 3-4. Claimant was advised to file another hearing request to dispute his MA closure effective November 1, 2013, ongoing.

### **DECISION AND ORDER**

The Administrative Law Judge, based on the above Findings of Fact and Conclusions of Law, and for the reasons stated on the record, if any, finds that the Department's action were proper when it restored Claimant's MSP benefits under the QMB benefits effective September 1, 2013, ongoing.

Accordingly, the Department's MA decision is AFFIRMED.



**Eric Feldman**  
Administrative Law Judge  
for Maura Corrigan, Director  
Department of Human Services

Date Signed: November 12, 2013

Date Mailed: November 12, 2013

**NOTICE OF APPEAL:** 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 or Reconsideration was made, within 30 days of the receipt date of the Decision and Order of Reconsideration or Rehearing Decision.

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).

A Request for Rehearing or Reconsideration may be granted when one of the following exists:

- Newly discovered evidence that existed at the time of the original hearing that could affect the outcome of the original hearing decision;
- Misapplication of manual policy or law in the hearing decision which led to a wrong conclusion;
- Typographical, mathematical or other obvious error in the hearing decision that affects the rights of the client;
- Failure of the ALJ to address in the hearing decision relevant issues raised in the hearing request.

The Department, AHR or the claimant must specify all reasons for the request. MAHS will not review any response to a request for rehearing/reconsideration. A request must be *received* in MAHS within 30 days of the date the hearing decision is mailed.

The written request must be faxed to (517) 335-6088 and be labeled as follows:

Attention: MAHS Rehearing/Reconsideration Request

If submitted by mail, the written request must be addressed as follows:

Michigan Administrative Hearings  
Reconsideration/Rehearing Request  
P.O. Box 30639  
Lansing, Michigan 48909-07322

EJF/cl

cc:

[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]