

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 2013-20336
Issue No.: 2017
Case No.: [REDACTED]
Hearing Date: May 8, 2013
County: Wayne (82)

ADMINISTRATIVE LAW JUDGE: Colleen M. Mamelka

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 conducted from Detroit, Michigan on Wednesday, May 8, 2013. The Claimant did not appear, however; her Authorized Hearing Representative ("AHR"), [REDACTED], appeared and testified. Participating on behalf of the Department of Human Services ("Department") was [REDACTED] and [REDACTED].

ISSUE

Whether the Department properly found Claimant ineligible for benefits under the Medicare Savings Program ("MSP") benefits?

FINDINGS OF FACT

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

1. Claimant/AHR applied for MSP benefits on October 25, 2012.
2. Claimant receives Retirement, Survivor, Disability, Insurance ("RSDI") income in the gross monthly amount of \$1,215.90. (Exhibit 2)
3. Claimant pays \$104.90/month for Part B premiums. (Exhibit 2)
4. On December 20, 2012, the Department notified Claimant of the MSP denial. (Exhibit 1)

5. On December 21, 2012, the Department received Claimant/AHR's timely written request for hearing.

CONCLUSIONS OF LAW

Department policies are found in the Bridges Administrative Manual ("BAM"), the Bridges Eligibility Manual (BEM), the Reference Tables Manual ("RFT"), and the Bridges Reference Tables ("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. 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. Medicaid coverage includes Medicare cost-sharing benefits, meaning it will pay for Medicare Part B premiums or Part A and B premiums, coinsurances, and deductibles for certain Medicaid recipients. BAM 810 (October 2012), p. 1. Medicare Savings Programs ("MSP") are SSI-related MA categories. BEM 165 (October 2010), p. 1. The Medicare Savings Programs are SSI-related MA Categories. BEM 165, 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.

Income is the major determiner of which category an individual falls under. BEM 165, p. 1. Effective April 1, 2012, to be eligible for full coverage AD-Care/QMB, income cannot exceed \$931.00 for a fiscal group of one or \$1,261.00 for a fiscal group of two; for limited coverage QMB/SLMB, \$932.00 to \$1,117.00 (fiscal group of one), and \$1,262.00 to \$1,513.00 (fiscal group of two); and for ALMB \$1,118.00 to \$1,257.00 (fiscal group of one), and \$1,514.00 to \$1,703.00 (fiscal group of 2). RFT 242 (May 2012), p. 1.

Eligibility under the SLMB program exists when the net income is over 100% of poverty but not over 120% of poverty. BEM 165, p. 1. The annual Federal Poverty Guidelines for 2012 for a household of one is \$11,170.00 and \$15,130.00 for a household of two.

A person who is eligible for one of these categories cannot choose to receive a different Medicare Savings Program category. BEM 165, p. 1. All eligibility factors must be met in the calendar month being tested. BEM 165, p. 1. Full coverage QMB pays for Medicare premiums, co-insurances, and deductibles; limited QMB/SLMB pays Medicare Part B premiums; and ALMB pays Medicare Part B premiums provided funding is available. BEM 165, pp. 1, 2. The Department of Community Health determines whether funding is available. BEM 165, p. 2.

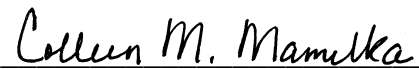
In general, SSI-related MA group composition consists of an adult and his spouse. BEM 211 (November 2011), pp. 5, 6).

In the present case, the Department found the Claimant ineligible for MSP benefits. The Claimant's gross unearned income (RSDI) was \$1,215.90. In reviewing RFT 242, based on the gross earnings with a group size of 1, the Claimant is ineligible for MSP benefits. As such, the denial of MSP benefits is AFFIRMED.

DECISION AND ORDER

The Administrative Law Judge finds the Department established it acted in accordance with Department policy when it found the Claimant ineligible for MSP benefits.

Accordingly, the Department's December 20, 2012 determination is AFFIRMED.



Colleen M. Mamelka
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: May 14, 2013

Date Mailed: May 14, 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

CMM/tm

cc:

