

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

**IN THE MATTER OF:**

[REDACTED]

Reg. No.: 14-016322  
Issue No.: 2001, 3000, 5000  
Case No.: [REDACTED]  
Hearing Date: December 23, 2014  
County: Kent-District 1

**ADMINISTRATIVE LAW JUDGE:** Kevin Scully

**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 December 23, 2014, from Lansing, Michigan. Participants on behalf of Claimant included [REDACTED]. Participants on behalf of the Department of Human Services (Department) included [REDACTED] and [REDACTED].

**ISSUE**

Did the Department properly determine the Claimant's eligibility for the Medicare Savings Plan (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. The Claimant is an ongoing Medical Assistance (MA) recipient and is currently enrolled in the Medicare Savings Plan.
2. The Department approved the Claimant for the Medicare Savings Plan effective July 1, 2014.
3. On November 10, 2014, the Department received the Claimant's request for a hearing protesting the denial of Medicare Savings Plan, Food Assistance Program (FAP), and State Emergency Relief (SER) benefits.

**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 Title XIX of the Social Security Act, 42 USC 1396-1396w-5; 42 USC 1315; the Affordable Care Act of 2010, the collective term for the Patient Protection and Affordable Care Act, Pub. L. No. 111-148, as amended by the Health Care and Education Reconciliation Act of 2010, Pub. L. No. 111-152; and 42 CFR 430.10-.25. The Department (formerly known as the Family Independence Agency) administers the MA program pursuant to 42 CFR 435, MCL 400.10, and MCL 400.105-.112k.

The Medicare Savings Plan pays a Supplemental Security Income (SSI) recipients Medicare premiums and contains three levels of benefits depending on the recipient's circumstances. Clients eligible for Medicare Savings Program benefits under the Qualified Medicare Beneficiary (QMB) program are eligible to have the Department pay their Medicare premiums, Medicare coinsurances, and Medicare deductible beginning the calendar month after the processing month. The processing month is the month during which an eligibility determination is made. Qualified Medicare Beneficiary (QMB) benefits are not available for past months or the processing month. Department of Human Services Bridges Eligibility Manual (BEM) 165 (April 1, 2014), pp 1-9.

The Claimant is an ongoing Medical Assistance (MA) recipient based on her receipt of Supplemental Security Income (SSI) benefits. The Department approved the Claimant for Medicare Savings Plan (MSP) benefits under the Qualified Medicare Beneficiary (QMB) category effective July 1, 2014.

The Department's representative testified that the Department has no record of the Claimant applying for Medicare Savings Program (MSP) benefits before July of 2014, despite the fact that the Claimant was likely eligible to receive those benefits before July 1, 2014. No evidence was presented during the hearing that the Claimant submitted an application for Medicare Savings Program (MSP) benefits before July of 2014. Although the Claimant may have been eligible for those benefits, Department policy does not allow the Department to grant retroactive Medicare Savings Program (MSP) benefits under the Qualified Medicare Beneficiary (QMB) category. Retroactive benefits are available for other Supplemental Security Income (SSI) recipients under other categories, but the Claimant does not meet the criteria for those programs.

The Claimant testified that she was assured by the Social Security Administration (SSA) that she was eligible for retroactive Medicare Savings Program (MSP) benefits. This state entitlement program is not administered by any branch of the federal government and it is Department policy that is controlling under these circumstances. Therefore, the opinion of the Social Security Administration (SSA) carries no weight here.

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 acted in accordance with Department policy when it denied the Claimant's request for Medicare Savings Program (MSP) benefits before July 1, 2014.


On November 24, 2014, the Claimant signed a Hearing Request Withdrawal (DHS-118A) indicating that she now understands that the action taken by the Department was correct with respect to the State Emergency Relief (SER), and the Claimant's hearing request is dismissed with respect to this issue.

On December 23, 2014, the Claimant testified that she was not longer disputing the Food Assistance Program (FAP), and the Claimant's hearing request is dismissed with respect to this issue as well.

**DECISION AND ORDER**

Accordingly, the Department's Medicare Savings Program (MSP) eligibility determination is **AFFIRMED**.

The Claimant's request for a hearing is **DISMISSED** with respect to the State Emergency Relief (SER) and Food Assistance Program (FAP) only.

  
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Kevin Scully  
Administrative Law Judge  
for Nick Lyon, Acting DHS Director  
Department of Human Services

Date Signed: **12/30/2014**

Date Mailed: **12/30/2014**

KS/las

**NOTICE OF APPEAL:** A party may appeal this Hearing Decision in the circuit court in the county in which he/she resides, or the circuit court in Ingham County, within 30 days of the receipt date.

A party may request a rehearing or reconsideration of this Hearing Decision from the Michigan Administrative Hearing System (MAHS) within 30 days of the mailing date of this Hearing Decision, or MAHS may order a rehearing or reconsideration on its own motion.

MAHS may grant a party's Request for Rehearing or Reconsideration 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 party requesting a rehearing or reconsideration 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 this Hearing Decision is mailed.

A written request may be faxed or mailed to MAHS. If submitted by fax, 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

cc:

