



## CONCLUSIONS OF LAW

Department policies are contained in the Department of Health and Human Services Bridges Administrative Manual (BAM), Department of Health and Human Services Bridges Eligibility Manual (BEM), Department of Health and Human Services Reference Tables Manual (RFT), and Department of Health and 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 Department of Human Services) administers the MA program pursuant to 42 CFR 435, MCL 400.10, and MCL 400.105-.112k.

It should be noted that Petitioner placed Agency Case No: [REDACTED] on his request for hearing but intended to request a hearing in Agency Case No: [REDACTED]. Petitioner testified that at the time he completed his hearing request a Department representative instructed him to submit the request under Agency Case No: [REDACTED]. The undersigned finds that the Petitioner was reasonably unclear as to which Agency Case No. to file the Request for Hearing under and as such, will issue this decision pertaining to Agency Case No: [REDACTED].

Additionally, Medicare Savings Programs are SSI-related MA categories. They are neither Group 1 nor Group 2. This item describes the three categories that make up the Medicare Savings Programs. The three categories are:

1. Qualified Medicare Beneficiaries (QMB) which pays for Medicare premiums (Part A and Part B for those who have both) and Medicare coinsurances; and Medicare deductibles.
2. Specified Low-Income Medicare Beneficiaries (SLMB) which pays for Medicare Part B premiums.
3. Q1 Additional Low-Income Medicare Beneficiaries (ALMB) which pays for Medicare Part B premiums provided that funding is available. BEM 165 (October 2016), pp. 1-2.

In this case, Petitioner testified that he reported his wife's departure from the family home on [REDACTED]. However, a review of the record reveals that Petitioner may have misstated the date of his wife's departure from the family home. The Department issued a Health Care Coverage Determination Notice on [REDACTED] finding that Petitioner was not eligible for MSP benefits. The [REDACTED] was issued under a different case number than the case that Petitioner previously shared with his wife. As

such, it appears that the Department was aware on or before [REDACTED] that Petitioner was asserting that he and his wife were no longer residing together.

Further, the Department testified that Petitioner's assigned worker interviewed him about the change in circumstance on [REDACTED] and as a result of that interview, completed a fee referral to the Office of Inspector General to determine if Petitioner was truthful about the change in circumstance. The Department testified that in [REDACTED] the OIG interview Petitioner and determined that he was not being truthful and that Petitioner and his wife were residing together at the time of the [REDACTED] interview.

The Department testified that the Department based its determination that Petitioner was untruthful because Petitioner stated during the interview that his wife was in the home at the time of the interview but that he expected her to leave the family home in the near future. Petitioner disputed this account and testified that he informed the OIG that his wife had left the family home but did continue to assist with rent payment for the family home in an effort to avoid foreclosure. The OIG conducting the [REDACTED] interview failed to appear at the hearing. Further, the Department failed to provide a copy of the OIG report. As such, Petitioner's testimony that he informed the OIG that his wife was no longer living in the home is accepted as true.

The Department testified that Petitioner's ineligibility for MSP benefits was determined by combining Petitioner's and his wife's income together. Given that Petitioner's testimony that his wife was not living in the family home, it is found that the Department improperly included his wife's income in its determination of Petitioner's eligibility for MSP benefits.

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 did not act in accordance with Department policy when it determined that Petitioner was ineligible for the Medicare Savings Program.

### **DECISION AND ORDER**

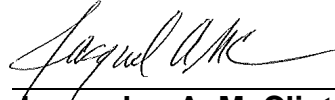
Accordingly, the Department's decision is **REVERSED**.

THE DEPARTMENT IS ORDERED TO BEGIN DOING THE FOLLOWING, IN ACCORDANCE WITH DEPARTMENT POLICY AND CONSISTENT WITH THIS HEARING DECISION, WITHIN 10 DAYS OF THE DATE OF MAILING OF THIS DECISION AND ORDER:

1. Redetermine Petitioner's eligibility for MSP benefits individually under Agency Case No: [REDACTED] effective [REDACTED];
2. Issue supplements Petitioner was eligible to receive but did not effective [REDACTED] and [REDACTED]

3. Notify Petitioner in writing of its decision.

JAM/tlf



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**Jacquelyn A. McClinton**  
Administrative Law Judge  
for Nick Lyon, Director  
Department of Health and Human Services

**NOTICE OF APPEAL:** A party may appeal this Order in circuit court within 30 days of the receipt date. A copy of the circuit court appeal must be filed with the Michigan Administrative Hearing System (MAHS).

A party may request a rehearing or reconsideration of this Order if the request is received by MAHS within 30 days of the date the Order was issued. The party requesting a rehearing or reconsideration must provide the specific reasons for the request. MAHS will not review any response to a request for rehearing/reconsideration.

A written request may be mailed or faxed to MAHS. If submitted by fax, the written request must be faxed to (517) 335-6088; 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 48909-8139

**Via Email:**

[REDACTED]

**Petitioner – Via First-Class Mail:**

[REDACTED]