



RICK SNYDER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
MICHIGAN ADMINISTRATIVE HEARING SYSTEM

SHELLY EDGERTON
DIRECTOR

[REDACTED]
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Date Mailed: September 19, 2018
MAHS Docket No.: 18-005074
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Vicki L. Armstrong

HEARING DECISION

Following Petitioner'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; 42 CFR 438.400 to 438.424; 45 CFR 99.1 to 99.33; and 45 CFR 205.10; and Mich Admin Code, R 792.11002. After due notice, an In-Person hearing was held on August 21, 2018, at the Allegan County Department of Health and Human Services. Petitioner personally appeared and testified. Petitioner submitted three exhibits which were admitted into evidence.

The Department of Health and Human Services (Department) was represented by Assistance Payment Supervisor Megan Sterk and Assistance Payment Worker Dennis Major. Ms. Sterk and Mr. Major testified on behalf of the Department. The Department submitted 26 exhibits which were admitted into evidence. The record was closed at the conclusion of the hearing.

ISSUE

Did the Department properly close Petitioner's Transitional Medicaid (TMA) and Medical Cost Share (MCS) benefits?

FINDINGS OF FACT

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

1. On May 4, 2018, Petitioner submitted a redetermination. [Dept. Exh. 1].
2. At the time Petitioner submitted the May 4, 2018 redetermination, she was eligible for the TMA and MSC benefit programs.

3. On May 7, 2018, the Department mailed Petitioner a Health Care Coverage Determination Notice informing her that beginning June 1, 2018, she was eligible for ongoing Medicaid with a \$1,714.00 deductible. [Dept. Exh. 17-20].
4. Petitioner's Medicare Cost Share Part B Cost Share benefit was closed due to excess income. [Dept. Exh. 1].
5. On May 15, 2018, Petitioner submitted a Request for Hearing contesting the closure of TMA and MCS benefits. [Dept. Exh. 2-3].

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.

Prior to the redetermination, Petitioner was eligible for full Medicaid coverage through Transitional Medicaid. Transitional Medicaid is an automatic coverage group. Eligibility for TMA is only considered after Low Income Family (LIF) Medicaid. TMA eligibility continues until the end of the 12-month TMA period unless:

A change is reported, such as decreased earned income, and the family is eligible for LIF. BEM 111, pp 1-2 (4/1/2018).

In this case, Petitioner was on TMA for 12-months and she did not submit a change, such as decreased earned income. There was also no evidence presented that Petitioner was eligible for LIF. Therefore, the Department properly closed Petitioner's TMA benefits.

In above-captioned matter, the Petitioner was receiving a Medicare Part B Cost Share benefit. The Petitioner submitted her redetermination on May 4, 2018. Petitioner was receiving \$2,242.80 a month in RSDI. As a result of processing the redetermination, the Department determined on May 23, 2018, that the Petitioner was no longer eligible for the Medicare Part B Cost Share benefit due to excess income.

Petitioner contested the use of only herself and her husband in determining whether she was eligible for the Medicare Part B Cost Share program. Petitioner stated that the Department should have used the group size of three, not two, in determining her eligibility.

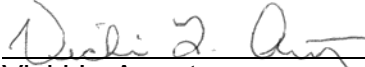
According to Departmental Policy BEM 165 "Medicare Savings Programs," the Department is directed to use fiscal and asset group policies for SSI-related groups in BEM 211. BEM 165, p 8 (1/1/2018). Regarding the MA Group Composition, policy directs the Department to use the adult and their spouse. BEM 211, p 8 (1/1/2016). Therefore, the Department correctly counted Petitioner and her spouse when determining Petitioner's eligibility for the Medicare Part B Cost Share program.

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 closed the Claimant's Medicare Part B Cost Share benefit.

DECISION AND ORDER

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

VLA/nr



Vicki L. Armstrong
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) 763-0155; 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

DHHS

Mariah Schaefer
3255 122nd Ave Ste 300
Allegan, MI
49010

Allegan County DHHS- via electronic mail

BSC3- via electronic mail

D. Smith- via electronic mail

EQAD- via electronic mail

Petitioner

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