



GRETCHEN WHITMER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
MICHIGAN OFFICE OF ADMINISTRATIVE HEARINGS AND RULES

ORLENE HAWKS
DIRECTOR

[REDACTED]
[REDACTED]
[REDACTED], MI [REDACTED]

Date Mailed: July 14, 2020
MOAHR Docket No.: 20-003835
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Jeffrey Kemm

HEARING DECISION

Following Petitioner's request for a hearing, this matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9; 42 CFR 431.200 to 431.250; and Mich Admin Code, R 792.11002. After due notice, a telephone hearing was held on July 9, 2020. Petitioner, [REDACTED], appeared and represented himself. Respondent, Department of Health and Human Services (Department), had Julie McLaughlin, Hearing Facilitator, appear as its representative. Neither party had any additional witnesses. Cesar Mora, Spanish Interpreter, interpreted the hearing.

One exhibit was admitted into evidence during the hearing. A 13-page packet of documents provided by the Department was admitted collectively as the Department's Exhibit A.

ISSUE

Did the Department properly determine Petitioner's Medical Assistance (MA) eligibility when the Department determined that Petitioner was eligible for Medicaid effective March 1, 2020, and Medicare Savings Program effective April 1, 2020?

FINDINGS OF FACT

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

1. In [REDACTED] 2020, Petitioner applied for Medicaid and Medicare Savings Program.
2. On April 10, 2020, Petitioner requested a hearing.
3. On April 15, 2020, the Department found Petitioner eligible for Medicaid effective March 1, 2020, and Medicare Savings Program effective April 1, 2020.

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 administers the MA program pursuant to 42 CFR 435, MCL 400.10, and MCL 400.105-.112k.

In this case, Petitioner did not present any evidence to establish that the Department did not act properly. Petitioner indicated that he did not know why he requested a hearing and that he did not have a dispute with the Department. Petitioner bears the burden to establish that the Department did not act properly, and Petitioner did not present any evidence to satisfy his burden.

The Department found Petitioner eligible for Medicaid effective the month he applied, and the Department found Petitioner eligible for Medicare Savings Program effective the month after his application. The Department acted properly when it found Petitioner eligible for Medicare Savings Program effective the month after his application because Petitioner was eligible for QMB and the soonest QMB coverage can begin is the month after application.

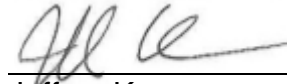
Medicare Savings Program is coverage that pays Medicare Part B premiums. There are three different programs through the Medicare Savings Program: QMB, SLMB, and ALMB. Each program has different benefits, with QMB being the greatest and ALMB being the least. An individual eligible for QMB cannot choose to receive Medicare Savings Program coverage through a different program. BEM 165 (January 1, 2018), p 1. When an individual is eligible for QMB, coverage begins the month after application. *Id.* at 3-4. Retroactive coverage is not available for QMB. *Id.*

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 did act in accordance with its policies and the applicable law when it determined Petitioner's MA eligibility.

IT IS ORDERED the Department's decision is AFFIRMED.

JK/ml



Jeffrey Kemm
Administrative Law Judge
for Robert Gordon, 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 Office of Administrative Hearings and Rules (MOAHR).

A party may request a rehearing or reconsideration of this Order if the request is received by MOAHR 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. MOAHR will not review any response to a request for rehearing/reconsideration.

A written request may be mailed or faxed to MOAHR. If submitted by fax, the written request must be faxed to (517) 763-0155; Attention: MOAHR Rehearing/Reconsideration Request.

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

Michigan Office of Administrative Hearings and Rules
Reconsideration/Rehearing Request
P.O. Box 30639
Lansing, Michigan 48909-8139

DHHS

Muskegon County DHHS – Via Electronic Mail

BSC3 – Via Electronic Mail

D. Smith – Via Electronic Mail

EQAD – Via Electronic Mail

Petitioner

[REDACTED]
MI