



GRETCHEN WHITMER
GOVERNOR

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

ORLENE HAWKS
DIRECTOR

[REDACTED], MI [REDACTED]

Date Mailed: June 17, 2019
MOAHR Docket No.: 19-004580
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Kevin Scully

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; 45 CFR 99.1 to 99.33; and 45 CFR 205.10. After due notice, telephone hearing was held on June 12, 2019, from Lansing, Michigan. Petitioner represented herself. The Department was represented by Crystal Hackney.

ISSUE

Did the Department of Health and Human Services (Department) properly determine Petitioner's eligibility for Medical Assistance (MA)?

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 March 4, 2019, the Department sent Petitioner a Redetermination (DHS-1010) requesting information necessary to redetermine her eligibility for ongoing Medical Assistance (MA) benefits. Exhibit A, pp 7-14.
2. On March 20, 2019, the Department received Petitioner's Redetermination (DHS-1010). Exhibit A, pp 15-22.
3. On April 19, 2019, the Department notified Petitioner that she was not eligible for Medical Assistance (MA) as of May 1, 2019. Exhibit A, pp 23-26.
4. Petitioner receives monthly Retirement, Survivors, and Disability Insurance (RSDI) in the gross monthly amount of \$499.50, and Petitioner became eligible for Medicare April 1, 2019. Exhibit A, pp 27-30.

5. On May 1, 2019, the Department sent Petitioner a Verification Checklist (DHS-3503) requesting verification of her assets by May 13, 2019. Exhibit A, pp 31-32.
6. On April 29, 2019, the Department received Petitioner's request for a hearing. Exhibit A, pp 4-6.
7. On June 12, 2019, the Department notified Petitioner that she is eligible for "full coverage" Medical Assistance (MA) as of May 1, 2019. Exhibit A, pp 33-34.

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.

The Medicare Savings Programs are SSI-related MA categories. There are three categories of Medicare Savings Program (MSP) benefits including the Qualified Medicare Beneficiary (QMB), the Special Low Income Medicare Beneficiary (SLMB), and the Additional Low Income Medicare Beneficiary (ALMB). QMB pays Medicare premiums, and Medicare coinsurances, and Medicare deductibles. QMB coverage begins the calendar month after the processing month. SLMB pays Medicare Part B premiums. SLMB coverage is available for retro MA months and later months. ALMB pays Medicare Part B premiums provided funding is available. The Department of Community Health notifies the Department of Human Services if funding is available. ALMB coverage is available for retro MA months and later months. Department of Human Services Bridges Eligibility Manual (BEM) 165 (January 1, 2018), pp 2-4.

Petitioner is an ongoing MA recipient that recently became eligible for Medicare. Therefore, Petitioner is not eligible for MA benefits under the Healthy Michigan Program (HMP). Department of Health and Human Services Bridges Eligibility Manual (BEM) 137 (January 1, 2019), p 1. There is no asset limit to received HMP benefits, but when Petitioner became eligible for Medicare, it became necessary for the Department to verify assets to determine eligibility for ongoing benefits under another category.

Individuals who are aged or disabled and whose income does not exceed 100% of the federal poverty level are eligible for MA benefits under the AD-CARE category.

Department of Health and Human Services Bridges Eligibility Manual (BEM) 163 (July 1, 2017), p 1.

Petitioner's gross monthly income is less than the federal poverty level and she is eligible for full Medicaid, assuming she meets the other criteria.

Medicare Savings Programs (MSP) are SSI-related MA categories that pays Medicare premiums. Since Petitioner's income is less than the federal poverty level, she is also eligible for MSP benefits under the QMB category, but these benefits are not available in the month that eligibility is determined. Department of Health and Human Services Bridges Eligibility Manual (BEM) 165 (January 1, 2018), p 1.

On June 12, 2019, the Department notified Petitioner that she is eligible for MA benefits as of May 1, 2019.

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 determined Petitioner's eligibility for Medical Assistance (MA).

DECISION AND ORDER

Accordingly, the Department's decision is AFFIRMED.

KS/dh



Kevin Scully
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

Linda Gooden
25620 W. 8 Mile Rd
Southfield, MI 48033

Oakland County (District 3), DHHS

BSC4 via electronic mail

EQAD via electronic mail

D. Smith via electronic mail

Petitioner

[REDACTED], MI [REDACTED]