



GRETCHEN WHITMER
GOVERNOR

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

ORLENE HAWKS
DIRECTOR

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██████████, MI ██████████

Date Mailed: February 25, 2020
MOAHR Docket No.: 19-013675
Agency No.: ██████████
Petitioner: ██████████ ██████████

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, a telephone hearing was held on February 6, 2020, from Lansing, Michigan. Petitioner represented himself and ██████████ ██████████ testified on his behalf. The Department of Health and Human Services was represented by Tracie Old.

ISSUE

Did the Department of Health and Human Services (Department) properly determine Petitioner's eligibility for Medicare Savings Program (MSP) 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. Petitioner was an ongoing Medical Assistance (MA) and Medicare Savings Program (MSP) recipient on September 4, 2019, when the Department initiated a review of his eligibility for ongoing benefits by sending him a Redetermination (DHS-1010) form with an October 4, 2019, due date. Exhibit A, pp 1-8.
2. On October 18, 2019, the Department notified Petitioner that he was not eligible for Medical Assistance (MA) or Medicare Savings Program (MSP) benefits effective November 1, 2019. Exhibit A, pp 9-13.
3. On ██████████ ██████████ 2019, the Department received Petitioner's application for Medical Assistance (MA). Exhibit A, pp 15-23.
4. On December 5, 2019, the Department conducted a routine eligibility interview with Petitioner. Exhibit A, pp 24-28.

5. Respondent reported that the household receives Retirement, Survivors, and Disability Insurance (RSDI) in the gross monthly amount of \$870. Exhibit A, p 26.
6. On December 5, 2019, the Department sent Petitioner a Verification Checklist (DHS-3503) with a December 16, 2019, due date. Exhibit A, pp 28-29.
7. On December 5, 2019, the Department notified Petitioner that he was eligible for Medical Assistance (MA) effective December 1, 2019. Exhibit A, pp 30-32.
8. On December 9, 2019, the Department notified Petitioner that he was eligible for the Medicare Savings Program (MSP) effective January 1, 2020. Exhibit A, pp 33-36.
9. On December 26, 2019, the Department received Petitioner's request for a hearing.

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.

Clients must cooperate with the local office in determining initial and ongoing eligibility and this includes the completion of necessary forms. Department of Human Services Bridges Assistance Manual (BAM) 105 (January 1, 2019), p 9.

Verification means documentation or other evidence to establish the accuracy of the client's verbal or written statements. Verification is usually required at application/redetermination and for a reported change affecting eligibility or benefit level when it is required by policy, required as a local office option, or information regarding an eligibility factor is unclear, inconsistent, incomplete, or contradictory. The Department uses documents, collateral contacts, or home calls to verify information. A collateral contact is a direct contact with a person, organization, or agency to verify information from the client. When documentation is not available, or clarification is needed, collateral contact may be necessary. Department of Human Services Bridges Assistance Manual (BAM) 130 (April 1, 2017), pp 1-10.

On October 18, 2019, the Department closed Petitioner's MA and MSP benefits for failing to return a Redetermination (DHS-1010) form that was mailed to him on September 4, 2019.

On December 3, 2019, Petitioner reapplied for benefits by submitting a new application for assistance. The Department approved this application and notified him in writing that he was eligible for MA benefits effective December 1, 2019, and MSP benefits effective January 1, 2020.

It was not disputed during the hearing that Petitioner is eligible for Medicaid, and that he is entitled to apply for retroactive MA for November of 2019, for any medical expenses he may have incurred after his benefits were closed and before he reapplied.

Petitioner disputes the denial of MSP benefits and the deduction of Medicare Part B premiums from his RSDI benefits before January 1, 2020.

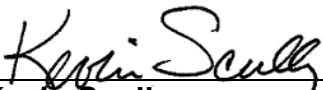
Petitioner's MSP benefits closed effective November 1, 2019, and he reapplied on December 5, 2019. Petitioner is not eligible for MSP benefits in the month that he reapplied for MSP benefits. Therefore, he is not eligible for the Department to pay his Medicare premiums in November or December of 2019, but is eligible to receive that benefit in January of 2020. Further, there is no entitlement for a person to request retroactive MSP benefits for a household with income less than the federal poverty level. BEM 165, p 1.

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) and Medicare Savings Program (MSP) benefits.

DECISION AND ORDER

Accordingly, the Department's decision is AFFIRMED.

KS/hb



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

Jackson County via electronic mail

BSC4 via electronic mail

D. Smith via electronic mail

EQADHS via electronic mail

Petitioner

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