



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]  
[REDACTED], MI [REDACTED]

Date Mailed: December 19, 2022  
MOAHR Docket No.: 22-005310  
Agency No.: [REDACTED]  
Petitioner: [REDACTED]

**ADMINISTRATIVE LAW JUDGE: Ellen McLemore**

### **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, a telephone hearing was held on December 14, 2022, from Detroit, Michigan. Petitioner was present and represented herself. The Department of Health and Human Services (Department) was represented by Tom Jones, Assistance Payments Supervisor.

### **ISSUE**

Did the Department properly close Petitioner's Medicare Savings Program (MSP) benefit case?

### **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 MSP benefit recipient.
2. On October 19, 2022, the Department received notification from the Centers for Medicare and Medicaid Services (CMS) that Petitioner was no longer eligible for Medicare Part A (Exhibit A, p. 21).
3. On October 21, 2022, the Department sent Petitioner a Health Care Coverage Determination Notice informing her that her MSP benefit case was closing effective December 1, 2022, ongoing (Exhibit A, pp. 18-20).
4. On [REDACTED], 2022, Petitioner submitted a request for hearing disputing the Department's actions.

## **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.

In this case, Petitioner was an ongoing MSP recipient. The Department received notification that Petitioner was no longer eligible for Medicare Part A. As a result, the Department closed Petitioner's MSP benefit case.

MSP are SSI-related MA categories. There are three MSP categories: Qualified Medicare Beneficiaries (QMB); Specified Low-Income Medicare Beneficiaries (SLMB); and Additional Low Income Beneficiaries (ALMB). BEM 165 (October 2022), p. 1. QMB is a full coverage MSP that pays: Medicare premiums (Medicare Part B premiums and Part A premiums for those few people who have them); Medicare coinsurances; and Medicare deductibles. SLMB pays Medicare Part B premiums and ALMB pays Medicare Part B premiums provided funding is available. BEM 165, pp. 1-2. To receive MSP benefits, an individual must be entitled to Medicare Part A. BEM 165, p. 5. For QMB, entitled to Medicare Part A means the person is: (i) receiving Medicare Part A with no premium being charged; (ii) refused premium-free Medicare Part A; or (iii) is eligible for, or receiving, Premium Hospital Insurance (HI). BEM 165, p. 5. For SLMB and ALMB, entitled to Medicare Part A means the person is receiving Medicare Part A with no premium being charged. BEM 165, p. 6.

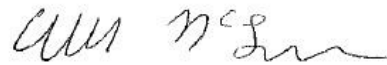
At the hearing, Petitioner testified that she was determined as not disabled by the Social Security Administration (SSA). Petitioner was receiving Medicare Part A based on her disability. As a result, Petitioner's Medicare Part A case closed. Petitioner stated that she timely appealed the decision and should be entitled to benefits during the interim appeal period. However, Petitioner conceded that her Medicare Part A benefit case remained inactive, as a result of a supposed error on behalf of the SSA.

To be eligible for MSP benefits, the client must be receiving Medicare Part A, refused Medicare Part A or receiving HI benefits. As none of the previous conditions apply to Petitioner, she is not eligible for MSP benefits. Although Petitioner provided credible testimony that she should be receiving Medicare Part A, MSP benefits are conditioned

on the actual receipt/refusal of Medicare Part A. Therefore, the Department acted in accordance with policy when it closed Petitioner's MSP benefit case.

### **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 acted in accordance with Department policy when it closed Petitioner's MSP benefit case. Accordingly, the Department's decision is **AFFIRMED**.



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**Ellen McLemore**  
Administrative Law Judge

**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

