



GRETCHEN WHITMER  
GOVERNOR

STATE OF MICHIGAN  
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS  
MICHIGAN OFFICE OF ADMINISTRATIVE HEARINGS AND RULES  
SUZANNE SONNEBORN  
EXECUTIVE DIRECTOR

MARLON I. BROWN, DPA  
ACTING DIRECTOR

██████████  
██████████  
██████████ MI ██████████

Date Mailed: December 19, 2023  
MOAHR Docket No.: 23-007458  
Agency No.: ██████████  
Petitioner: ██████████

**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, 2023, via conference line. Petitioner was present and represented herself. The Department of Health and Human Services (Department) was represented by Lekeitia Cokley, Assistance Payments Supervisor.

**ISSUE**

Did the Department properly close Petitioner's wife'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's wife was an ongoing MSP benefit recipient.
2. On September 5, 2023, Petitioner completed a redetermination related to his family's MA benefit cases (Exhibit A, pp. 24-32).
3. Petitioner's wife had income from employment (Exhibit A, pp. 33-34).

4. Petitioner's wife had unearned income in the form of Retirement, Survivors and Disability Insurance (RSDI) benefits in the amount of \$ [REDACTED] per month (Exhibit A, pp. 38-40).
5. On October 19, 2023, the Department sent Petitioner a Health Care Coverage Determination Notice informing him that his wife's MSP benefit case was closing effective November 1, 2023, ongoing, due to excess income (Exhibit A, pp. 7-12).
6. 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's wife was an ongoing MSP recipient. The Department sent Petitioner notice informing him that his wife was not eligible for MSP benefits. The Department testified that Petitioner's wife's household income exceeded the income limit for MSP benefits.

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 (January 2018), 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. Income eligibility for MSP benefits exists when net income is within the limits in RFT 242 or 247. The Department is to determine countable income according to the SSI-related MA policies in BEM 500 and 530, except as otherwise explained in BEM 165. RFT 242, pp1-2; BEM 165, pp. 7-8.

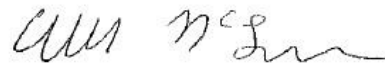
The Department testified that based on Petitioner's wife's household income, she was not eligible for MSP benefits under any of the three categories. Effective April 1, 2023, for QMB, the monthly income limit for a group size of two is \$1,663.50, which is 100 percent of the Federal Poverty Level, plus the \$20 disregard. RFT 242, p. 1. For SLMB the monthly income limit for Petitioner's group size of two is \$1,992, which is 120 percent of the Federal Poverty Level, plus the \$20 disregard. RFT 242, p. 2. For ALMB, the monthly income limit for Petitioner's group size of two is \$2,238.50, which is 135 percent of the Federal Poverty Level, plus the \$20 disregard. RFT 242, pp. 1-3. RFT 242, p. 3.

The Department presented Petitioner's wife's State Online Query (SOLQ) report which shows that she receives \$[REDACTED] in RSDI benefits per month. Petitioner's wife also has income from employment and is paid \$[REDACTED] on a biweekly basis. Petitioner's wife's countable income is \$[REDACTED] which exceeds the income limit for MSP benefits. Therefore, the Department acted in accordance with policy when it closed Petitioner's wife'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 wife's MSP benefit case. Accordingly, the Department's decision is **AFFIRMED**.

EM/tm



---

**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

**Via-Electronic Mail :**

**DHHS**  
Richard Latimore  
Wayne-Conner-DHHS  
4733 Conner  
Detroit, MI 48215  
**MDHHS-Wayne-57-  
Hearings@michigan.gov**

**Interested Parties**

M. Schaefer  
EQADHearings  
BSC4

**Via-First Class Mail :**

**Petitioner**

██████████  
████████████████████  
██████ MI ██████