



GRETCHEN WHITMER  
GOVERNOR

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

MARLON I. BROWN, DPA  
DIRECTOR

[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

Date Mailed: April 16, 2024  
MOAHR Docket No.: 24-001897  
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, a telephone hearing was held on April 10, 2024, from Lansing, Michigan. Petitioner represented himself. The Department was represented by Jennipher Wheeler.

**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 October [REDACTED] 2023, the Department received Petitioner's application for Medical Assistance (MA) as a household of three including himself, his wife, and his daughter. Exhibit A, pp 18-32.
2. Department records indicate that on December [REDACTED] 2023, that Petitioner reported that his wife was not currently living in his home in Michigan and had been in New York since October of 2022. Exhibit A, p 7.
3. Petitioner receives monthly income in the gross monthly amount of \$[REDACTED]
4. On December [REDACTED] 2023, the Department notified Petitioner that he was eligible for Medical Assistance (MA) with a \$[REDACTED] monthly deductible effective January 1, 2024. Exhibit A, p 16.
5. On January [REDACTED] 2024, the Department notified Petitioner that he was not eligible for the Medicare Savings Plan (MSP) effective February 1, 2024. Exhibit A, p 10.

6. On February 21, 2024, the Department received Petitioner's request for a hearing protesting his eligibility for Medical Assistance (MA). Exhibit A, p 4.

### **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 through 42 USC 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 through 42 CFR 420.25. The Department administers the MA program pursuant to 42 CFR 435, MCL 400.10, and MCL 400.103 through MCL 400.112k of the Social Welfare Act, MCL 400.1 *et seq.*

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 (October 1, 2022), pp 1-4.

Living with others means sharing a home where family members usually sleep, except for temporary absences. A temporarily absent person is considered in the home if the person's location is known, there is a definite plan for him/her to return home; and he/she lived with the group before the absence. Department of Health and Human Services Bridges Eligibility Manual (BEM) 211 (October 1, 2023), p 6.

Petitioner was an ongoing recipient of MA benefits as a household of two when the Department discovered that Petitioner's wife was not living in the home and had not been since before his application for MA benefits was filed. The hearing record does not support a finding that there is a definite plan for Petitioner's wife to return to the home. As a person eligible for Medicare, the Department redetermined Petitioner's eligibility for ongoing benefits as a household of one.

A review of Petitioner's case reveals that the Department budgeted correct amount of income received by the Petitioner. Petitioner's gross monthly income is reduced by the \$20 general exclusion and the annual COLA exclusion. Petitioner's "protected income

level” is \$405, and this amount cannot be changed either by the Department or by this Administrative Law Judge. Department of Human Services Reference Table Manual (RFT) 240 (December 1, 2013), p 1. Department’s determination that the Petitioner has a \$1,768 deductible per month she must meet in order to qualify for MA for any medical expenses above is therefore correct.


Further, Petitioner’s gross income exceeds the limit for him to have the Department pay for his Medicare Part B premiums because his income exceeds the \$1,714.25 limit for a household of one. Department of Health and Human Services Reference Table Manual (RFT) 242 (April 1, 2024), p 1. Therefore, the Department notified Petitioner that he was not longer eligible for MSP benefits.

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 the level of Medical Assistance (MA) benefits that Petitioner is eligible for.

**DECISION AND ORDER**

Accordingly, the Department’s decision is AFFIRMED.

KS/dm

  
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**Kevin Scully**  
Administrative Law Judge  
Michigan Office of Administrative Hearings  
and Rules (MOAHR)

**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**  
Jennipher Wheeler  
Muskegon County DHHS  
**MDHHS-Muskegon-  
Hearing@michigan.gov**

**SchaeferM**

**EQADHearings**

**BSC3HearingDecisions**

**MOAHR**

**Via-First Class Mail :**

**Petitioner**  
[REDACTED]  
[REDACTED]  
[REDACTED]