



GRETCHEN WHITMER
GOVERNOR

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

MARLON I. BROWN
DIRECTOR

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Date Mailed: May 15, 2024
MOAHR Docket No.: 24-003896
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 May 9, 2024, from Lansing, Michigan. Petitioner was represented by █████ █████ The Department was represented by Dawn Berridge.

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 February █████ 2024, the Department notified Petitioner that she was eligible for Medical Assistance (MA) with a \$██████ monthly deductible. Exhibit A, p 6.
2. Petitioner receives monthly Retirement, Survivors, and Disability Insurance (RSDI) in the gross monthly amount of \$██████████
3. Petitioner has been found to be disabled by the Social Security Administration with a disability onset date of December █████ 1972.
4. Petitioner applied for Supplemental Security Income (SSI) benefits with an eligibility start date of March █████ 1981.
5. On March 28, 2024, 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 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.*

Petitioner is an ongoing recipient of MA benefits and she had been receiving benefits under the Disabled Adult Children category (DAC). MA-DAC benefits are available to a person receiving RSDI social security payments if 18 years of age or older, received Supplemental Security Income (SSI) in the past, stopped receiving SSI on or after July 1, 1987, and would be eligible for SSI without receiving RSDI benefits. Department of Health and Human Services Bridges Eligibility Manual (BEM) 158 (October 1, 2014), p 1.

Persons may qualify under more than one MA category. Federal law gives them the right to the most beneficial category. The most beneficial category is the one that results in eligibility or the least amount of excess income. Department of Health and Human Services Bridges Eligibility Manual (BEM) 105 (January 1, 2024), p 2.

On February [REDACTED] 2024, the Department determined that the most beneficial category of MA benefits that Petitioner is eligible for is MA-G2S category, which requires that Petitioner incur medical expenses exceeding \$[REDACTED] before he becomes eligible for full MA benefits. The Department determined that Petitioner had been previously placed in the MA-DAC category in error and that he is not entitled to MA benefits under that category.

Petitioner is disabled but qualifies for social security as a survivor. Petitioner is eligible for Medicare and this RSDI benefits exceed the SSI benefits she would otherwise be eligible for based on her disability. Petitioner previously received SSI benefits, but these payments stopped before July 1, 1987. Therefore, Petitioner is not entitled to MA-DAC benefits.

The AD-CARE program is a category of Medical Assistance (MA) that provides health care coverage to individuals who are aged or disabled and have an income that does not exceed the federal poverty level. Department of Health and Human Services Bridges Eligibility Manual (BEM) 163 (July 1, 2017), p 1.

Petitioner is disabled but she receives a gross monthly income that is 206% of the federal poverty level and he is not entitled to MA benefits under the AD-CARE category.

No evidence was presented on the record that Petitioner is employed, and she is not entitled to MA benefits under the Freedom to Work category. Department of Health and Human Services Bridges Eligibility Manual (BEM) 174 (January 1, 2020).

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 1-4.

Petitioner is not eligible for any category of the Medicare Savings Program because her gross monthly income exceeds the \$[REDACTED] limit to receive any assistance with her Medicare Part B premium.

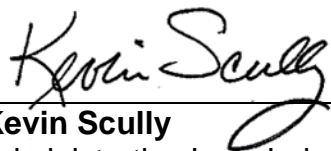
Therefore, the only category of MA benefits that Petitioner is eligible for the MA-G2S category. Department's determination that the Petitioner has a \$[REDACTED] deductible per month she must meet in order to qualify for MA for any medical expenses above is therefore correct.

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) that Petitioner is eligible for.

DECISION AND ORDER

Accordingly, the Department's decision is AFFIRMED.

KS/dm



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
Randall Pierson
Ottawa County DHHS
**MDHHS-Ottawa-
Hearings@michigan.gov**

SchaeferM

EQADHearings

BSC3HearingDecisions

MOAHR

Via-First Class Mail :

Petitioner

[REDACTED]

Authorized Hearing Rep.

[REDACTED]
[REDACTED]
[REDACTED]