



GRETCHEN WHITMER
GOVERNOR

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

MARLON BROWN
DIRECTOR

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Date Mailed: May 24, 2024
MOAHR Docket No.: 24-004037
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 14, 2024, from Lansing, Michigan. Petitioner represented herself and ██████ testified on her behalf. The Department was represented by Colleen McKenna.

ISSUE

Did the Department of Health and Human Services (Department) properly close Petitioner's Medical Assistance (MA) 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. On June █████ 2023, the Department received Petitioner's Renew Benefits form as a household of four people. Exhibit A, p 10.
2. Petitioner's husband receives social security benefits in the gross monthly amount of \$█████ Exhibit A, p 20.
3. Petitioner receives social security benefits in the gross monthly amount of \$█████ Exhibit A, p 20.
4. Petitioner reported on his June █████ 2023, that he and his wife own three automobiles. Exhibit A, p 7.
5. On August █████ 2023, the Department requested verification of his countable assets. Exhibit A, p 15.

6. On December █ 2023, the Department notified Petitioner that her husband was eligible for limited coverage Medical Assistance (MA) under the Plan First category effective November 1, 2023. Exhibit A, p 46.
7. On January █ 2024, the Department notified Petitioner that he was not eligible for the Medicare Savings Program (MSP).
8. On March 27, 2024, the Department received Petitioner's request for a hearing. Exhibit A, p 5.

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.

The Healthy Michigan Plan (HMP) is a category of MA that provides health care coverage for individuals 19-64 years of age that do not qualify for Medicare. Department of Health and Human Services Bridges Eligibility Manual (BEM) 137 (January 1, 2024), p 1.

Petitioner's husband is disabled and eligible for Medicare. Therefore, Petitioner's husband is not eligible for HMP 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.

It is not in dispute that Petitioner's husband is disabled, but Petitioner's social security income exceeds the federal poverty level, and he is not eligible for AD-CARE benefits.

Petitioner's husband is potentially eligible for MA benefits under the G2S category, which provides health care coverage for disabled individuals with a monthly deductible based on household income. This category of MA benefits has an available asset limit of \$3,000 for a married couple. Certain assets, such as a primary residence and one automobile are excludable assets. In this case, the hearing record supports a finding that Petitioner and her husband have available cash assets that exceed \$3,000, and Petitioner's husband is not eligible for MA benefits under the G2S category.

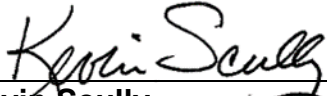
Petitioner's husband is receiving Medicare. The Medicare Savings Program (MSP) pays an individual's Medicare Part B premiums. Similar to the G2S category, there is an available asset limit with the Medicare Savings Program. For a married couple, the available asset limit for the Medicare Savings Program is \$14,130. Department of Health and Human Services Bridges Eligibility Manual (BEM) 400 (April 1, 2024), p 8. Petitioner's husband is not eligible for MSP benefits based on his available assets.

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 that Petitioner's husband is not eligible for any category of Medical Assistance (MA).

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
Melissa Robinson
Gladwin County DHHS
**MDHHS-Gladwin-County-
Hearings@michigan.gov**

SchaeferM

EQADHearings

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MOAHR

Via-First Class Mail :

Petitioner
[REDACTED]
[REDACTED]
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