



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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[REDACTED]
[REDACTED] MI [REDACTED]

Date Mailed: July 1, 2024
MOAHR Docket No.: 24-005720
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Julia Norton

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 June 24, 2024. Petitioner was present and self-represented. The Department of Health and Human Services (Department) was represented by Shawnta Shorts, Assistance Payment Worker.

ISSUE

Did the Department properly determine Petitioner's eligibility for Medicare Savings Program (MSP) 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. Petitioner was an ongoing recipient of Medicaid (MA) AD-Care and MSP Qualified Medicare Beneficiaries (QMB).
2. On March 4, 2024, the Department sent Petitioner a redetermination for MA with a due date of April 4, 2024. Exhibit A, pp.22-30.
3. On March 27, 2024, the Department received Petitioner's redetermination. Exhibit A, pp. 32-38.
4. On April 20, 2024, the Department sent Petitioner a Health Care Coverage Determination Notice (HCCDN) informing her she was not eligible for MA coverage or MSP benefits effective June 1, 2024 ongoing. Exhibit A, p. 9.

5. On April 23, 2024, the Department sent Petitioner a HCCDN informing her she would not be eligible for MSP benefits effective June 1, 2024 ongoing because she did not meet basic criteria. Exhibit A, p. 8.
6. On May 3, 2024, the Department sent Petitioner a Verification Check List (VCL) with a due date of May 13, 2024, requesting verifications of a pre-paid debit card and a checking account. Exhibit A, p. 10.
7. On [REDACTED] 2024, Petitioner submitted an application for Food Assistance Program (FAP) and MA. Exhibit A, pp. 40-47.
8. On May 16, 2024, the Department sent Petitioner a HCCDN informing her she was not eligible for MSP benefits effective June 1, 2024 because she failed to verify requested information. Exhibit A, pp. 57-59.
9. On May 16, 2024, the Department received Petitioner's request for hearing disputing the Department's eligibility determinations for FAP, MSP, and MA. Exhibit A, pp. 4-5.

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).

Petitioner requested a hearing to dispute the Department's actions concerning FAP, MA and MSP. At the commencement of the hearing, Petitioner withdrew her hearing request regarding FAP. Further, Petitioner indicated she did not have a dispute with her MA coverage and the Department testified Petitioner had continuous MA AD-Care coverage from December 1, 2021 ongoing. Therefore, Petitioner's hearing request regarding FAP and MA is **DISMISSED**.

MSP

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 explained she only disputes the denial of MSP benefits. MSP is an SSI-related Medicaid category where the Department pays for certain Medicare expenses for eligible individuals. BEM 165 (June 2024) p. 1. Three different subcategories are

available under MSP. Qualified Medicare Beneficiaries (QMB) coverage pays for a client's Medicare premiums, coinsurances, and deductibles. BEM 165, p. 2. Specified Low Income Beneficiaries (SLMB) coverage pays for a client's Medicare Part B premium. *Id.* Additional Low-Income Beneficiaries (ALMB) coverage pays for a client's Medicare Part B premium if MDHHS funding is available. *Id.* Non-Categorically Eligible Michigan Beneficiary (NMB) coverage pays for pays the Medicare Part B premiums (and the part A premiums for the few who have them) for full coverage Medicaid beneficiaries not otherwise eligible for MSP. *Id.*

The HCCDNs dated April 20, 2024 and April 23, 2024 both denied Petitioner's eligibility for MSP for June 1, 2024 ongoing because she did not meet basic criteria for MSP. The HCCDN dated May 16, 2024 denied Petitioner's eligibility for MSP for June 1, 2024 ongoing because she failed to provide requested verifications. The Department sent a VCL to Petitioner on May 3, 2024 requesting proof of a pre-paid debit card and checking account. Petitioner testified that she returned all requested documents to the Department in-person and signed the log. The Department did not dispute this and explained that MSP was denied because Petitioner had failed to return a new hire verification sent to Petitioner on April 3, 2023 with a due date of April 13, 2023 triggered by a data exchange that reported Petitioner had employment with [REDACTED]. Petitioner testified that she neither applied to work nor was hired at [REDACTED] and she did not live at the address in April of 2023 where the Department testified it sent the new hire form. Petitioner testified she reported her address change to the Department when she moved. The Department acknowledged that Petitioner had updated her address with the Department multiple times. The Department has failed to show that it properly closed Petitioner's MSP case for failure to verify requested information.

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 failed to satisfy its burden of showing that it acted in accordance with Department policy when it determined Petitioner was not eligible for MSP benefits because she failed to return requested information.

DECISION AND ORDER

Accordingly, Petitioner's hearing request regarding **FAP** and **MA** is **DISMISSED**.

The Department's decision regarding **MSP** is **REVERSED**.

THE DEPARTMENT IS ORDERED TO BEGIN DOING THE FOLLOWING, IN ACCORDANCE WITH DEPARTMENT POLICY AND CONSISTENT WITH THIS HEARING DECISION, WITHIN 10 DAYS OF THE DATE OF MAILING OF THIS DECISION AND ORDER:

1. Redetermine Petitioner's MSP eligibility as of June 1, 2024 ongoing;

2. If eligible, provide Petitioner with the most beneficial MSP benefits she is eligible to receive from June 1, 2024 ongoing; and
3. Notify Petitioner of its decision in writing.

JN/cc



Julia Norton
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 :

Interested Parties

MDHHS-Wayne-15-Greydale-Hearings
BSC4-HearingDecisions
EQADHearings
M. Schaefer
N. Denson-Sogbaka
B. Cabanaw
M. Holden
MOAHR

Via-First Class Mail :

Petitioner

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