



GRETCHEN WHITMER
GOVERNOR

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

MARLON BROWN
DIRECTOR

[REDACTED]
[REDACTED]
[REDACTED]
Date Mailed: June 21, 2024
MOAHR Docket No.: 24-005438
Agency No.: [REDACTED]
Petitioner: [REDACTED] [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 June 20, 2024, from Lansing, Michigan. Petitioner represented himself. The Department was represented by Crystal Jones and Yvonne Jasper.

ISSUE

Did the Department of Health and Human Services (Department) properly determine Petitioner's eligibility for the Medicare Savings Program (MSP)?

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 [REDACTED] 2024, the Department received Petitioner's application for assistance. Exhibit A, p 7.
2. Petitioner reported to the Department that he is employed and receives Retirement, Survivors, and Disability Insurance (RSDI) benefits. Exhibit A, p 12.
3. Along with his application, Petitioner submitted a paycheck stub showing that he received earned income from employment in the gross bi-weekly amount of \$[REDACTED] on January 5, 2024. Exhibit A, p 22.
4. Petitioner receives monthly Retirement, Survivors, and Disability Insurance (RSDI) in the gross monthly amount of \$[REDACTED] Exhibit A, p 35.
5. Petitioner submitted paycheck stubs to the Department showing that he received earned income from employment in the gross bi-weekly amount of \$[REDACTED] on

February 16, 2024, \$[REDACTED] on February 2, 2024, and \$[REDACTED] on March 29, 2024. Exhibit A, pp 39-41.

6. On March [REDACTED] 2024, the Department notified Petitioner that he was not eligible for the Medicare Savings Program (MSP) effective April 1, 2024. Exhibit A, p 42.
7. On May 6, 2024, the Department received Petitioner's request for a hearing protesting his eligibility for the Medicare Savings Program (MSP), which pays an individual's Medicare Part P premium. Exhibit A, pp 4-6.

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 (June 1, 2024), pp 1-4.

Petitioner was an ongoing recipient of MSP benefits when the Department initiated a review of his eligibility for ongoing benefits. Petitioner is employed and receives social security benefits based on disability. Petitioner receives MA benefits under the Freedom To Work category and therefore Petitioner is not responsible for a large monthly medical deductible that he would otherwise be responsible for. Petitioner also requested assistance with assistance paying his Medicare Part B premiums.

Petitioner provided the Department with copies of his paycheck stubs and that he received bi-weekly paychecks in the gross amounts of \$[REDACTED] \$[REDACTED] \$[REDACTED] and \$[REDACTED]. Petitioner also receives social security payments of \$[REDACTED].

The income limit for a household of one to receive assistance with paying Medicare Part B premiums is 135% of the federal poverty level, which is \$[REDACTED] for a household of one. Based on Petitioner's paycheck stubs and his social security payments, the hearing record supports a finding that Petitioner's gross monthly income exceeds the limit for him to receive any assistance with his Medicare Part B premium. On March 30, 2024, the Department notified Petitioner that he is not eligible for MSP benefits.

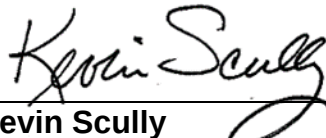
Petitioner credibly testified that his earned income has changed. As Petitioner's circumstances change and he provides the Department with verification of those changes in a timely manner, his eligibility for benefits in the future may change as well.

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 is not eligible for benefits under the Medicare Savings Program (MSP).

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
Kimberly Kornoelje
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MOAHR

Via-First Class Mail :

Petitioner

[REDACTED]
[REDACTED]
[REDACTED]