



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: November 25, 2024  
MOAHR Docket No.: 24-009980  
Agency No.: [REDACTED]  
Petitioner: [REDACTED] [REDACTED]

**ADMINISTRATIVE LAW JUDGE: Aaron McClintic**

**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 October 23, 2024, from Lansing, Michigan. The Petitioner was represented by herself. The Department of Health and Human Services (Department) was represented by Hearing Facilitator Hannah Czechowski. Department Exhibit 1, pp. 1-21 was received and admitted.

**ISSUE**

Did the Department properly deny Petitioner's Medicare Cost Share application due to excess income?

**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 August [REDACTED] 2024, Petitioner reported social security income of \$[REDACTED] per month.
2. On August [REDACTED] 2024, a Health Care Coverage Determination Notice was sent to Petitioner informing her that she was denied Medicare Cost Share due to excess income.
3. On August [REDACTED] 2024, Petitioner requested hearing disputing the denial of Medicare Cost Share.

## **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 1396-1396w-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.

### **MA Only**

Medicare Savings Programs (MSP) are SSI-related MA categories.

They are neither Group 1 nor Group 2. This item describes the categories that make up the Medicare Savings Programs. The categories are: 1. Qualified Medicare Beneficiaries (QMB). This is also called full-coverage QMB and just QMB. Program group type is QMB. 2. Specified Low-Income Medicare Beneficiaries (SLMB). This is also called limited-coverage QMB and SLMB. Program group type is SLMB. 3. QI Additional Low-Income Medicare Beneficiaries (ALMB). This is also referred to as ALMB and as just Q1. Program group type is ALMB. 4. Non-Categorically Eligible Michigan Beneficiaries (NMB). There are both similarities and differences between eligibility policies for the categories. Benefits among the categories also differ. Income is the major determiner of category. . QMB Net income cannot exceed 100% of poverty. SLMB Net income is over 100% of poverty, but not over 120% of poverty. ALMB (QI) Net income is over 120% of poverty, but not over 135% of poverty. NMB Income and assets above allowed ALMB limits but have full coverage Medicaid with Medicare part A/B entitlement. BEM 165

In this case, Petitioner is receiving \$[REDACTED] in social security benefits. The income limit for Medicare Cost Share ALMB is \$1,714.25. Therefore, Petitioner is over the income limit for Medicare Savings Program and the denial due to excess income was proper and correct and consistent with Department policy. RFT 242

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 denied Petitioner's Medicare Cost Share application due to excess income.

**DECISION AND ORDER**

Accordingly, the Department's decision is **AFFIRMED**.

AM/dm



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**Aaron McClintic**

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 :**

**DHHS**  
Hannah Czechowski  
Genesee County DHHS Clio Rd Dist.  
**MDHHS-Genesee-Clio-**  
**Hearings@michigan.gov**

**McLaughlinJ**

**HolzhausenE**

**BSC2HearingDecisions**

**MOAHR**

**Via-First Class Mail :**

**Petitioner**

[REDACTED]  
[REDACTED]  
[REDACTED]