



GRETCHEN WHITMER  
GOVERNOR

STATE OF MICHIGAN  
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS  
LANSING

MARLON I. BROWN, DPA  
DIRECTOR

[REDACTED]  
[REDACTED]  
[REDACTED] MI [REDACTED]

Date Mailed: January 30, 2025  
MOAHR Docket No.: 24-014056  
Agency No.: 124167687  
Petitioner: [REDACTED]

**ADMINISTRATIVE LAW JUDGE: Jeffrey Kemm**

**HEARING DECISION**

On December 13, 2024, Petitioner [REDACTED] requested a hearing to dispute a Medicare Savings Program (MSP) determination. As a result, a hearing was scheduled to be held on January 29, 2025. Public assistance hearings are held 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; 45 CFR 205.10; and Mich Admin Code, R 792.11002.

The parties appeared for the scheduled hearing. Petitioner appeared and represented himself. Respondent Michigan Department of Health and Human Services (Department) had Hearing Facilitator April Sprague appear as its representative. Neither party had any additional witnesses.

Both parties provided sworn testimony, and one exhibit was admitted into evidence. A 62-page packet of documents provided by the Department was admitted into evidence collectively as Exhibit A.

**ISSUE**

Did the Department properly determine Petitioner's MSP eligibility?

**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 has Medicare Part B coverage.
2. Petitioner has MSP coverage through the state of Florida.

3. On or about November 24, 2024, Petitioner applied for MSP coverage from the Department, and Petitioner asserted that he was a resident of Genesee County, Michigan.
4. The Department reviewed Petitioner's application and determined that Petitioner had active MSP coverage through the state of Florida.
5. The Department decided to deny Petitioner's application for MSP coverage because Petitioner already had active MSP coverage through the state of Florida.
6. On December 4, 2024, the Department mailed a health care coverage determination notice to Petitioner to notify him that he was ineligible for MSP coverage, effective November 1, 2024.
7. Petitioner requested a hearing to dispute the Department's decision.

### **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).

Medicaid is known as Medical Assistance (MA). The 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 administers the MA program pursuant to 42 CFR 435, MCL 400.10, and MCL 400.105-.112k.

Medicare Savings Program (MSP) coverage is a type of Medicaid that supplements Medicare. There are three basic types of MSP coverage: QMB, SLMB, and ALMB. BEM 165 (July 1, 2024), p. 1. QMB pays for Medicare premiums, Medicare coinsurances, and Medicare deductibles. *Id.* at 2. SLMB only pays Medicare Part B premiums. *Id.* ALMB only pays Medicare Part B premiums if there is sufficient funding available. *Id.* Thus, QMB is the best coverage, SLMB is the next best coverage, and ALMB is the lowest level of coverage.

In general, duplication of public assistance benefits is prohibited. BEM 222 (October 1, 2018), p. 1. This means that a client cannot receive the same type of public assistance for the same time period. In this case, Petitioner was actively receiving MSP coverage from the state of Florida when Petitioner applied to receive MSP coverage from the Department. Thus, the Department could not approve Petitioner for MSP coverage because it would have resulted in duplication of the benefit. Therefore, the Department properly determined that Petitioner was ineligible for MSP coverage through the Department. Petitioner may ask the state of Florida to close his MSP coverage, and

then Petitioner may reapply for MSP coverage through the Department once he receives notice that Florida is closing his MSP coverage.

**DECISION AND ORDER**

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 its policies and the applicable law when it determined Petitioner's MSP eligibility.

**IT IS ORDERED** that the Department's decision is **AFFIRMED**.



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**Jeffrey Kemm**

Administrative Law Judge

JK/pe

**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**  
Janice Collins  
Genesee County DHHS Union St. District Office  
125 E. Union St., 7th Floor  
Flint, MI 48502  
**MDHHS-Genesee-UnionSt-  
Hearings@michigan.gov**

**Interested Parties**  
BSC2  
M. Schaefer  
EQAD  
MOAHR

**Via First Class Mail:**

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