

GRETCHEN WHITMER
GOVERNOR

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

MARLON I. BROWN, DPA
DIRECTOR

[REDACTED]
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[REDACTED]
[REDACTED]
Date Mailed: February 10, 2025
MOAHR Docket No.: 24-013542
Agency No.: [REDACTED]
Petitioner: [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 January 9, 2025, from Lansing, Michigan. Petitioner was represented by herself. The Department of Health and Human Services (Department) was represented by Jennifer Richard. Department Exhibit 1, pp. 1-32 was received and admitted.

ISSUE

Did the Department properly deny Petitioner's Medicare Savings Program 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 26, 2024, a Health Care Coverage Determination Notice was sent to Petitioner informing her that she was not eligible for the Medicare Savings Program.
2. On September 20, 2024, a Health Care Coverage Determination Notice was issued informing Petitioner that she was not eligible for Medicare Savings Program benefits for October 2024 but that she was eligible from November 1, 2024, and ongoing.
3. On October 22, 2024, a Health Care Coverage Determination Notice was sent to Petitioner informing her that she was not eligible for Medicare Savings Program benefits for October 2024 and December 2024 and ongoing.

4. On December 2, 2024, Petitioner requested a hearing disputing the closure of Medicare Savings Program benefit.
5. Petitioner receives \$ [REDACTED] in social security benefits per month.
6. Petitioner was receiving \$ [REDACTED] per week in unemployment benefits during the months in question.

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 receives \$ [REDACTED] per month in social security benefits. Petitioner was receiving \$210 per week in unemployment compensation during the months in question. Petitioner had a total monthly income of \$ [REDACTED]. The income limit for the Medicare Savings Program is \$ [REDACTED]. Therefore, Petitioner is over the income limit 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 Savings Program application due to excess income.

DECISION AND ORDER

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

AM/mp



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

Kimberly Kornoelje
Kent County DHHS
121 Martin Luther King Jr St SE
Ste 200
Grand Rapids, MI 49507
MDHHS-Kent-
Hearings@michigan.gov

Interested Parties

EQAD Hearings
M. Schaefer
MOAHR
BSC4

Via-First Class Mail :

Petitioner

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