



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]
MI [REDACTED]

Date Mailed: May 6, 2025
MOAHR Docket No.: 24-014108
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Colleen Lack

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 Zoom videoconference hearing was held on April 1, 2025, from Lansing, Michigan. Petitioner was represented by [REDACTED], [REDACTED], [REDACTED], [REDACTED], Petitioner, was present. The Department of Health and Human Services (Department) was represented by Rich'Kelle Curney, Hearing Facilitator (HF).

During the hearing proceeding, the Department's Hearing Summary packet was admitted as Exhibit A, pp. 1-19.

During the hearing proceeding, jurisdiction to address the State SSI Payments (SSP) program portion of Petitioner's hearing request was discussed. Petitioner testified that the SSP payments stopped several years ago when the Social Security Administration (SSA) stopped Petitioner's Supplemental Security Income (SSI) benefit payments. BAM 600, (June 1, 2024) p. 6 provides that a request for hearing must be received in the Department local office within 90 days of the date of the written notice of case action. There is no jurisdiction to address the closure of Petitioner's SSP benefit case several years ago.

ISSUE

Did the Department properly determine Petitioner's eligibility for the Medicare Savings Program (MSP) and the State SSI Payments (SSP)?

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 November 21, 2024, the Department's Buy-In Unit requested closure of Petitioner's MSP benefit case because Petitioner is no longer entitled to Medicare. (Exhibit A, p. 8)
2. A help desk ticket was requested to close Petitioner's MSP benefit case based on information from SSA that Petitioner was no longer eligible for Medicare. (Exhibit A, p. 1; HF Testimony)
3. On November 21, 2024, a Health Care Coverage Determination Notice was issued to Petitioner stating the MSP benefit case would close effective January 1, 2025 because she is not entitled to Medicare and does not meet requirements. (Exhibit A, pp. 5-7)
4. On December 11, 2024, Petitioner filed a hearing request contesting the Department's determination. (Exhibit A, p. 4)
5. Between December 12, 2024 and December 16, 2024, the Department verified Petitioner's current eligibility status with SSA. The Department was informed that Petitioner was no longer entitled to Medicare and she was receiving SSA issued benefits under a claim number other than her own. (Exhibit A, pp. 1 and 9-14; HF Testimony)

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.

Nonfinancial eligibility factors for the MSP include that the individual is entitled to Medicare Part A. BEM 165, July 1, 2024, p. 5.

The State SSI Payments (SSP) program is established by 20 CFR 416.2001-.2099 and the Social Security Act, 42 USC 1382e. The Department administers the program pursuant to MCL 400.10.

For the SSP program, payments are made for only those months the recipient received a regular first of the month federal SSI benefit. These are shown on SOLQ as a recurring payment dated the first of the month. SSPs are not issued for retroactive or supplemental federal benefits. BEM 660, October 1, 2021, p. 1. SSP benefits are issued quarterly. These benefits are paid the last month of each quarter. The yearly quarters are: January through March; April through June; July through September; and October through December. BEM 660, October 1, 2021, p. 2.

In this case, the information the Department received from SSA at the time of the November 21, 2024 determination indicated Petitioner was no longer entitled to Medicare and she was not receiving SSI benefits. Accordingly, the Department closed Petitioner's MSP benefit case and did not have reason to review eligibility for SSP benefits. (Exhibit A, pp. 1 and 5-8; HF Testimony). Right after Petitioner filed the hearing request, the Department again verified with SSA. The Department was informed that Petitioner was no longer entitled to Medicare and she was receiving SSA issued benefits under a claim number other than her own. (Exhibit A, pp. 1 and 9-14; HF Testimony).

Petitioner indicated that there have been many problems with her eligibility with SSA and the Department for several years. At one point, she was completely deleted out of their systems to be re-entered on both to try to correct errors. Petitioner also indicated that at one point she was receiving SSA issued benefits under her own claim number, rather than as a Disabled Adult Child under her father's claim number. Petitioner stated SSA indicated this would be corrected effective April 1, 2025. Petitioner also acknowledged that she stopped receiving SSI benefits about three years ago. (Petitioner Testimony).

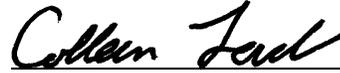
Overall, the evidence supports the Department's determination to close Petitioner's MSP benefit case, and not consider eligibility for SSP benefits, based on the information provided by the SSA at the time of the November 21, 2024 determination. The information from SSA indicated that Petitioner was not entitled to Medicare and she was not receiving SSI benefits. Accordingly, Petitioner was not eligible for MSP or SSP benefits.

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 Petitioner's eligibility for the MSP and SSP based on the information provided by the SSA at the time of the November 21, 2024 determination.

DECISION AND ORDER

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

CL/mp



Colleen Lack
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
Denise Key-McCoggle
Wayne-Greydale-DHHS
27260 Plymouth Rd
Redford, MI 48239
**MDHHS-Wayne-15-Greydale-
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Interested Parties
M. Schaefer
BSC4

Via-First Class Mail :

Authorized Hearing Rep.

[REDACTED]
[REDACTED] MI [REDACTED]

Petitioner

[REDACTED]
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