



Date Mailed: May 29, 2025

Docket No.: 25-005649

Case No.: [REDACTED]

Petitioner: [REDACTED]

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এটি একটি গুরুত্বপূর্ণ আইনি ডকুমেন্ট। দয়া করে কেউ দস্তাবেজ অনুবাদ করুন।

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Ky është një dokument ligjor i rëndësishëm. Ju lutem, kini dikë ta përktheni dokumentin.

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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; and Mich Admin Code, R 792.11002. After due notice, a hearing was held via telephone conference on May 7, 2025. Petitioner appeared for the hearing and represented herself. The Michigan Department of Health and Human Services (MDHHS or Department) was represented by Muhammed Aziz, Assistance Payments Worker and Dania Ajami, Lead Eligibility Specialist.

ISSUE

Did the Department properly determine that Petitioner was ineligible for Medicare Savings Program (MSP) benefits?

FINDINGS OF FACT

The Administrative Law Judge, based on the competent, material, and substantial evidence on the whole record, finds as material fact:

1. Since July 2023, Petitioner has been an ongoing recipient of Medical Assistance (MA) benefits under the limited coverage Group 2 Aged Blind Disabled (G2S) program subject to a monthly deductible. The current amount of Petitioner's monthly deductible is \$1,246.
2. On or around December 7, 2024, the Department sent Petitioner a Health Care Coverage Determination Notice (Notice) advising that for December 1, 2024, ongoing, she was ineligible for MSP benefits because she does not meet basic criteria. (Exhibit A, pp. 8-10)
 - a. Although not reflected on the Notice, the Department asserted that Petitioner was ineligible for MSP benefits because her income exceeded the limit.
3. On or around February 5, 2025, Petitioner requested a hearing disputing the Department's actions with respect to her MSP benefits. (Exhibit A, pp. 3-4)

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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.

At the hearing, Petitioner clarified that at issue, was the denial of her MSP benefits, as the cost of Medicare premiums are being withheld from her monthly Social Security benefits.

MSP are SSI-related MA categories. At the time of the denial in December 2024, there were four MSP categories: Qualified Medicare Beneficiaries (QMB); Specified Low-Income Medicare Beneficiaries (SLMB); Additional Low-Income Beneficiaries (ALMB); and Non-Categorically Eligible Michigan Beneficiaries (NMB). BEM 165 (July 2024), p. 1. QMB is a full coverage MSP that pays Medicare premiums (Medicare Part B premiums and Part A premiums for those few people who have them), Medicare coinsurances, and Medicare deductibles. SLMB pays Medicare Part B premiums and ALMB pays Medicare Part B premiums provided funding is available. NMB pays the Medicare Part B premiums (and the part A premiums for the few who have them) for full coverage Medicaid beneficiaries not otherwise eligible for MSP. BEM 165, pp. 1-2.

Income is the major determiner of category. The monthly income limits for Petitioner's fiscal group size of one are identified in RFT 242 (April 2024). For QMB eligibility, net income cannot exceed [REDACTED] which is 100% of the poverty level, plus the \$20 disregard for RSDI income. For SLMB eligibility, net income is between [REDACTED] and [REDACTED] which is over 100% but not over 120% of the poverty level, plus the \$20 disregard for RSDI income. For ALMB eligibility, net income must be between [REDACTED] and [REDACTED] which is over 120% but not over 135% of the poverty level, plus the \$20 disregard for RSDI income. RFT 242, p.1; BEM 165, pp. 1-2, 8-10. Because there is no income limit identified in Department policy for NMB eligibility, the Department may activate NMB for the months in which a client has met their monthly deductible. The Department is to determine countable income according to the SSI-related MA policies in BEM 500, 501, 502, 503, 504, and 530, except as otherwise explained in BEM 165. RFT 242, pp. 1-2; BEM 165, pp. 8-10. The Department will also apply the deductions in


BEM 540 (for children) and BEM 541 (for adults) to countable income to determine net income. BEM 165, pp. 8-10.

At the hearing, the Department representative testified that based on Petitioner's income, she was determined ineligible for MSP benefits under all categories. Although there was no budget presented for review, the Department representative testified that Petitioner had gross monthly RSDI/Social Security benefits of [REDACTED]. This was confirmed by Petitioner. An unearned income general exclusion of \$20 is available to Petitioner. BEM 503 (January 2023), pp. 29-30. Therefore, Petitioner's countable income is [REDACTED]. Because the income is in excess of the [REDACTED] ALMB income limit, which is the highest income limit for MSP, the Department properly determined that Petitioner was ineligible for MSP benefits under the QMB, SLMB, and ALMB categories. It was established that Petitioner is an ongoing recipient of MA benefits under the G2S category subject to a monthly deductible and is potentially eligible for MSP benefits under the NMB category. However, because there was no evidence that Petitioner's deductible had been met in the months prior to the hearing, Petitioner's NMB coverage would not be activated. Should Petitioner meet her monthly MA deductible for any future months, the Department is to process eligibility for and activate NMB coverage as allowable by Department policy.

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 Department policy when it determined Petitioner's MSP eligibility.

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



ZAINAB A BAYDOUN
ADMINISTRATIVE LAW JUDGE

APPEAL RIGHTS: Petitioner may appeal this Hearing Decision to the circuit court. Rules for appeals to the circuit court can be found in the Michigan Court Rules (MCR), including MCR 7.101 to MCR 7.123, available at the Michigan Courts website at courts.michigan.gov. The Michigan Office of Administrative Hearings and Rules (MOAHR) cannot provide legal advice, but assistance may be available through the State Bar of Michigan at <https://lrs.michbar.org> or Michigan Legal Help at <https://michiganlegalhelp.org>. A copy of the circuit court appeal should be sent to MOAHR. A circuit court appeal may result in a reversal of the Hearing Decision.

Either party who disagrees with this Hearing Decision may also send a written request for a rehearing and/or reconsideration to MOAHR within 30 days of the mailing date of this Hearing Decision. The request should include Petitioner's name, the docket number from page 1 of this Hearing Decision, an explanation of the specific reasons for the request, and any documents supporting the request. The request should be sent to MOAHR

- by email to MOAHR-BSD-Support@michigan.gov, **OR**
- by fax at (517) 763-0155, **OR**
- by mail addressed to
Michigan Office of Administrative Hearings and Rules
Rehearing/Reconsideration Request
P.O. Box 30639
Lansing Michigan 48909-8139

Documents sent via email are not secure and can be faxed or mailed to avoid any potential risks. Requests MOAHR receives more than 30 days from the mailing date of this Hearing Decision may be considered untimely and dismissed.



Via Electronic Mail:

Respondent

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Interested Parties

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