

STATE OF MICHIGAN
STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES

ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF:

[REDACTED]

Claimant

Reg No: 2008-20321

Issue No: 2013

Case No: [REDACTED]

Load No: [REDACTED]

Hearing Date:

March 18, 2009

Wayne County DHS

ADMINISTRATIVE LAW JUDGE: Jeanne M. VanderHeide

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37 upon the Claimant's request for hearing. After due notice, a telephone hearing was conducted from Detroit, Michigan on March 18, 2009. The Claimant, a mentally incompetent adult, was not present, but was represented by his guardian, [REDACTED]. [REDACTED]. Also present on behalf of Claimant was [REDACTED] Claimant's former caseworker at [REDACTED] [REDACTED] appeared on behalf of the Department.

ISSUE

Whether the Department properly determined the Claimant's assets for calculation of MA 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. On April 17, 2008, the Department received the Claimant's application for public assistance seeking Medical Assistance ("MA") benefits. (Exhibit 1, pp. 1-7)
2. The Claimant receives RSDI in the amount of [REDACTED]. (Exhibit 1, p. 9)
3. The Claimant produced February 2008 bank statements in order to substantiate assets. (Exhibit 1, pp. 13, 14)
4. The February 2008 bank statements indicate that Claimant has two checking accounts and the balances were as follows: Account [REDACTED] and Account [REDACTED]
5. The Claimant also produced an on-line printout of his checking account [REDACTED] showing the transaction history from [REDACTED]
6. The Department ran a budget and listed cash assets from both bank statements as well as the on-line printout. (Exhibit 1, pp. 16-18)
7. As a result, the Department determined that Claimant had total assets in the amount of [REDACTED] and denied Medicaid benefits on 4/22/08 as a result of Claimant's countable assets being more than the \$2000 asset limit. (Exhibit 1, p. 19).
8. On May 1, 2008, the Department received the Claimant's Request for Hearing protesting the Department's determination of his assets.

CONCLUSIONS OF LAW

The Medical Assistance ("MA") program is established by Title XIX of the Social Security Act and is implemented by Title 42 of the Code of Federal Regulations ("CFR"). The Department of Human Services, formally known as the Family Independence Agency, administers the MA program pursuant to MCL 400.10, *et seq* and MCL 400.105. Department

policies are found in the Program Administrative Manual (“PAM”), the Program Eligibility Manual (“PEM”), and the Program Reference Manual (“PRM”).

The goal of the Medicaid program is to ensure that essential health care services are made available to those who otherwise could not afford them. PEM 105, p. 1 Medicaid is also known as Medical Assistance (“MA”). *Id.* The Medicaid program is comprised of several categories; one category is for FIP recipients while another is for SSI recipients. *Id.* Programs for individuals not receiving FIP or SSI are based on eligibility factors in either the FIP or SSI program thus are categorized as either FIP-related or SSI-related. *Id.* To receive MA under an SSI-related category, the person must be aged (65 or older), blind, disabled, entitled to Medicare or formally blind or disabled. *Id.* Families with dependent children, caretaker relatives of dependent children, persons under age 21 and pregnant, or recently pregnant women, receive MA under FIP-related categories. *Id.*

In general, the terms Group 1 and Group 2 relate to financial eligibility factors. PEM 155 through 174 describe SSI-related categories. Financial eligibility for Group 1 exists when countable income minus allowable expenses equals or is below certain income limits. *Id.* The income limits vary by category and are for non-medical needs such as food and shelter. *Id.*

Assets must be considered in determining MA eligibility. PEM 400, p. 1. Assets are cash and any other personal and/or real property. *Id.* Countable assets must be available and cannot exceed the applicable asset limit. PEM 400, pp. 1, 6. Available means that someone in the asset group has the legal right to use or dispose of the asset. PEM 400, p. 6.

In this case, based on the evidence and testimony, this Administrative Law Judge finds that the Department counted the assets from Account [REDACTED] twice. The account numbers listed on the statement and the on-line printout are the same numbers. The statement

motion where the final decision cannot be implemented within 90 days of the filing of the original request.

The Claimant may appeal the Decision and Order to Circuit Court within 30 days of the mailing of the Decision and Order or, if a timely request for rehearing was made, within 30 days of the receipt date of the rehearing decision.

JV/dj

cc:

