

STATE OF MICHIGAN
STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES

ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF: [REDACTED],

Claimant

By: [REDACTED]

Reg. No: 2008-30736

Issue No: 2021

Case No: [REDACTED]

Load No: [REDACTED]

Hearing Date:

June 23, 2009

Lapeer County DHS

ADMINISTRATIVE LAW JUDGE: Jay W. Sexton

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37 upon claimant's request for a hearing. After due notice, a telephone hearing was held on June 23, 2009, in Lapeer. Claimant personally appeared and testified under oath.

The department was represented by Ann Chapaton (Program Manager) and Sam Running (ES).

The Administrative Law Judge appeared by telephone from Lansing.

ISSUE

Did the department deny claimant's June 30, 2008 MA-M application due to excess assets?

FINDINGS OF FACT

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

(1) Claimant is an MA-M applicant. Claimant did not appear at the hearing due to illness.

(2) Claimant is represented by her son, who was appointed as her [REDACTED] by the [REDACTED] on April 1, 2008.

(3) On June 30, 2008, claimant's [REDACTED] applied for MA-M on claimant's behalf.

(4) On July 7, 2008, the caseworker sent the [REDACTED] a Verification Checklist (DHS-3503). The checklist asked the [REDACTED] to verify the cash value of claimant's life insurance policy with [REDACTED]. The due date for providing the cash value of the [REDACTED] was July 18, 2008.

(5) The [REDACTED] timely provided a letter (June 18, 2008) from the [REDACTED] [REDACTED] stating that the cash value of claimant's life insurance policy was \$2,417.

(6) On November 19, 2008, the caseworker denied MA-M coverage for April, May, June and July 2008 due to assets in excess of the department's \$2,000 asset limit. The denial notice was not provided in a timely fashion.

(7) On July 15, 2008, the [REDACTED] requested a hearing on claimant's behalf.

(8) Claimant's Guardian thinks that the department incorrectly denied claimant's MA-M application because the Guardian had no personal knowledge of the [REDACTED] [REDACTED] on the date he applied for benefits.

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 (DHS or department) 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 Medicaid program provides medical insurance for low-income persons. The asset policy is found in PEM 400. To determine MA eligibility, the caseworker must calculate the total value of claimant's countable assets, including the cash value of any life insurance policy which is held in claimant's name. Claimant's total countable assets cannot exceed the applicable MA asset limit of \$2,000.

The preponderance of the evidence in the record shows that on June 30, 2008, claimant had excess assets in the form of a [REDACTED] in the amount of \$2,417. The applicable asset limit on the date of application was \$2,000.

Based on this analysis, claimant was not eligible for MA benefits for the months of April, May, June and July based on excess assets.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the department correctly calculated claimant's MA-M eligibility and correctly denied claimant's application based on excess assets.

Therefore, the department's actions are, hereby, AFFIRMED.

SO ORDERED.

/s/ _____
Jay W. Sexton
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: June 26, 2009

Date Mailed: June 29, 2009

NOTICE: Administrative Hearings may order a rehearing or reconsideration on either its own motion or at the request of a party within 30 days of the mailing date of this Decision and Order. Administrative Hearings will not order a rehearing or reconsideration on the Department's 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 receipt 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.

JWS/tg

cc:

