

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.: 2009-2002
Issue No.: 2021
Case No.: [REDACTED]
Load No.: [REDACTED]
Hearing Date:
September 14, 2009
Wayne County DHS

ADMINISTRATIVE LAW JUDGE: Linda Steadley Schwarb

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 hearing was held on September 14, 2009. The claimant appeared and testified.

ISSUE

Did the Department of Human Services (DHS or department) properly deny claimant's application for Supplemental Security Income (SSI)-related Medical Assistance (MA) based upon 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) On August 8, 2008, claimant applied for MA for herself.
- 2) Claimant provided the department with verification of her assets as follows:
 - Cash surrender value of claimant's life insurance policy \$3,399.44;
 - Savings account \$1,138.27;

- Checking account \$1,134.00.
- 3) On September 8, 2008, the department denied claimant's application for MA based upon excess assets.
 - 4) On September 15, 2008, claimant filed a hearing request to protest the department's determination.
 - 5) At the hearing, claimant did not dispute any of the figures used by the department in calculating claimant's eligibility for MA.

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).

Relevant departmental policy is as follows:

Assets must be considered in determining eligibility for ... SSI-related MA categories ...

Assets means cash, any other personal property and real property.

Countable assets cannot exceed the applicable asset limit. PEM Item 400, Page 1.

For all other SSI-related MA categories, the asset limit is:

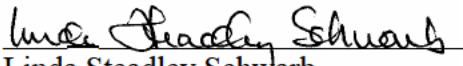
- \$2,000 for an asset group of 1. PEM Item 400, Pages 4 and 5.

In this matter, claimant did not dispute the dollar figures used by the department in calculating the amount of claimant's assets. The record supports a finding that claimant's assets

at the time of her August 8, 2008, application were in excess of the applicable MA asset limit of \$2,000. Accordingly, the department's determination in this matter must be upheld.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the Department of Human Services properly denied claimant's application for SSI-related Medical Assistance based upon excess assets. Accordingly, the department's determination in this matter must be affirmed.


Linda Steadley Schwarb
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: January 12, 2010

Date Mailed: January 14, 2010

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 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.

LSS/pf

cc:

