

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: 2009-21330
Issue No: 2021
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
July 14, 2009
Genesee County DHS

ADMINISTRATIVE LAW JUDGE: Carmen G. Fahie

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, an in-person hearing was held on Tuesday, July 14, 2009. The claimant personally appeared and testified with his authorized representative, [REDACTED]

ISSUE

Did the department properly determine that the claimant had excess assets for Medical Assistance (MA)?

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 September 29, 2008, the claimant applied for Medical Assistance and retroactive Medical Assistance to June 2008.

(2) On December 1, 2008, the department sent claimant a Verification Checklist, DHS-3503, and a Verification of Assets, DHS-20, to be completed by December 11, 2008.

(3) On December 23, 2008, the department caseworker determined the claimant's eligibility for MA based on a checking account of [REDACTED], savings account of [REDACTED] savings account of [REDACTED], and checking account of [REDACTED] for a total asset amount of [REDACTED] which was over the \$2,000 asset limit for MA. (Department Exhibit 9-12)

(4) On December 23, 2008, the department caseworker sent the claimant a notice that he had excess assets for MA because his total countable assets were more than the \$2,000 asset limit. (Department Exhibit 13)

(5) On March 23, 2009, the department received a hearing request from the claimant's authorized representative requesting a hearing.

(6) During the hearing, the claimant stated that all of the accounts were not his accounts, but some of the accounts were his father's who he has been taking care of, but does not have legal guardianship or power of attorney for his father's accounts.

(7) During the hearing, the claimant received a lump sum RSDI payment in June or July 2008, which must be differentiated from the claimant's other assets in order to determine eligibility.

(8) The parties have reached an agreed upon settlement to resolve the dispute. The claimant agrees to apply for legal guardian or power of attorney in order for him to handle his father's account and not have his father's account counted as an asset for him. The claimant also agrees to provide itemized monthly bank statements for the months of June 2008, July 2008, and

August 2008 with copies of the checks written and an explanation for the months previously cited. The claimant also agrees to provide verification of his and his father's benefits from VA, Social Security, and pension award letter. The department also agrees to review the claimant's Social Security benefits and lump sum payments. The department also agrees to get a policy qualification about jointly held checking and savings accounts in order to determine the claimant's eligibility for MA benefits based on his September 29, 2008 application with retroactive MA application to June 2008.

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).

In the present case, the parties have reached an agreed upon settlement to resolve the dispute. The claimant agrees to apply for legal guardian or power of attorney in order for him to handle his father's account and not have his father's account counted as an asset for him. The claimant also agrees to provide itemized monthly bank statements for the months of June 2008, July 2008, and August 2008 with copies of the checks written and an explanation for the months previously cited. The claimant also agrees to provide verification of his and his father's benefits from VA, Social Security, and pension award letter. The department also agrees to review the claimant's Social Security benefits and lump sum payments. The department also agrees to get a policy qualification about jointly held checking and savings accounts in order to determine the

claimant's eligibility for MA benefits based on his September 29, 2008 application with retroactive MA application to June 2008. If the claimant does not agree with the determination, he may file another request for a hearing.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the parties have reached an agreed upon settlement.

The department is **ORDERED** to reinstate the claimant's September 29, 2008 MA application with retroactive MA to June 2008, to determine the claimant's eligibility for benefits based on his September 29, 2008 with retroactive MA to June 2008, if it has not already done so.

/s/ _____
Carmen G. Fahie
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: August 31, 2009

Date Mailed: August 31, 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.

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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.

CGF/vmc

cc:

