

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: 2009-21854

Issue No: 2021

Case No: [REDACTED]

Load No: [REDACTED]

Hearing Date:

July 8, 2009

Sanilac 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 July 8, 2009 in Sandusky. Claimant resides in a nursing home and did not appear. Claimant was represented by her daughter.

The department was represented by Linda Courter (Program Supervisor).

The Administrative Law Judge appeared by telephone from Lansing.

ISSUE

Did the department correctly deny claimant's January 2009 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 resides in a long-term care facility and was unable to appear at the hearing.

(2) Claimant was represented by her daughter.

(3) On January 2009, the MA-M asset limit was \$2000.

(4) For MA-M eligibility purposes, claimant had the following assets in January 2009:

██████████ Bank—checking	\$1143
Cash held by daughter	\$2000
██████████ Account	<u>\$ 100</u>
Total	\$3243

(5) On March 2, 2009, the caseworker sent a notice (DHS-4400) to claimant denying her application for MA-M for January 2009 due to assets in excess of the \$2000 limit.

(6) On March 19, 2009, claimant requested a hearing.

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 value of checking accounts, annuities,

trust accounts, etc. Claimant's total countable assets cannot exceed the applicable MA-M asset limit of \$2000.

The preponderance of the evidence of record shows that on January 13, 2009, claimant had excess assets in the form of a checking account (\$1,143); cash (\$2000) and a long-term care trust account (\$100). The total number of claimant's assets was \$3243. Based on this analysis, claimant was not eligible for MA-M benefits for the month of January 2009, 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 for January 2009 and correctly denied claimant's application based on excess assets.

Therefore, the department is, hereby, AFFIRMED.

SO ORDERED.

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

Date Signed: October 30, 2009

Date Mailed: November 2, 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:

