

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: 2009-2813
Issue No: 2006
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
July 16, 2009
Wayne County DHS (19)

ADMINISTRATIVE LAW JUDGE: LAWRENCE HOLLENS

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 received by the Department on September 15, 2008. After due notice, a telephone hearing was conducted from Inkster, Michigan on July 16, 2009. The claimant appeared and testified as well as the claimant's husband, [REDACTED] and the claimant's mother-in-law, [REDACTED]. [REDACTED] appeared on behalf of the Department.

ISSUE

Whether the Department properly denied the claimant's Medicaid Assistance claim 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) On July 17, 2008, [REDACTED] received workers comp settlement.

- (2) On September 10, 2008, the claimant's Medicaid application was closed due to receipt of assets in excess of \$3,000.00.
- (3) On November 15, 2008, the claimant asked for a hearing.
- (4) The Department had received some indication that the claimant had received \$17,500.00 in a workers comp settlement.
- (5) The claimant clarified that information and provided verification that the workers comp redemption resulted in a \$1.00 payment to the claimant's husband and the amount, \$17,500.00, was the gross amount before deductions, medical expenses, and attorney's fees.

CONCLUSIONS OF LAW

The Medical Assistance (MA) program is established by Title XIX of Chapter 7 of the Public Health and Welfare Act, 33 USC 1397, and as administered by the Department of Human Services (DHS), formerly known as the Family Independence Agency, pursuant to MCLA 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 (PREM).

The Department has an asset for the receipt of Medicaid that an individual cannot have in excess of \$3,000.00 in assets.

The Department relied upon the gross amount of the workers comp redemption rather than the amount actually received by the claimant's spouse, following the redemption of the amount for medical expenses and normal attorney's fees.

The actual amount received by the claimant's spouse was \$1.00 rather than the gross amount which the Department initially utilized in making its asset determination.

Accordingly, the Department's MA denial is reversed.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that the Department's denial of the claimant's MA application is not upheld.

Accordingly, it is ORDERED that the Department's denial of the claimant's Medicaid application, due to the existence of excess assets, is REVERSED.

The Department shall supplement the claimant for any loss benefits she was otherwise eligible and qualified to receive in accordance with Department policy.

/s/

Lawrence Hollens
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: 09/09/09

Date Mailed: 09/09/09

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.

LH/kj

cc:

[REDACTED]