

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: 2009-4919
Issue No: 2014
Case No. [REDACTED]
Load No: [REDACTED]
Hearing Date:
July 15, 2009
Wayne County DHS

ADMINISTRATIVE LAW JUDGE: Tyra L. Wright

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 July 15, 2009. Claimant appeared and personally testified. A family independence manager represented the Department.

ISSUE

Did the Department properly deny Claimant's Medical Assistance (MA) application on the grounds that she is over the asset limit?

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 applied for MA on October 20, 2008. (Exhibit 1)
- (2) Claimant provided the Department with her bank records for [REDACTED] bank which indicated the amounts in her checking savings and Certificate of Deposit (CD) and Retirement Money Market (RMM) accounts.

- (3) The bank record for the period of [REDACTED] through [REDACTED] showed that Claimant had \$2,046.31 in her savings account, \$1,000.23 in her checking account and a total of \$8,226.32 in a CD and RMM account. (Exhibit 2).
- (4) Claimant disagreed with the Department determination on the grounds that she no longer has the same amount of money in these accounts.
- (5) Claimant requested a hearing on October 27, 2008. (Exhibit 8).

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 (formerly known as the Family Independence Agency) administers the MA program pursuant to MCL 400.10, et seq., and MCL 400.105. Department policies for FAP and MA are found in the Program Administrative Manual (PAM), the Program Eligibility Manual (PEM) and the Program Reference Manual (PRM).

DEPARTMENT

POLICY FIP, SDA, RAPC, LIF, Group 2 Persons Under Age 21, Group 2

Caretaker Relative, SSI-Related MA, and AMP

Assets must be considered in determining eligibility for FIP, SDA, RAPC, LIF, Group 2 Persons Under Age 21 (G2U), Group 2 Caretaker Relative (G2C), SSI-related MA categories and AMP.

FIP, SDA, RAPC, LIF, G2U, G2C and AMP consider only the following types of assets:

- “CASH” (which includes savings and checking accounts).
- “INVESTMENTS”.
- “RETIREMENT PLANS”.
- “TRUSTS”.

Assets Defined FIP asset rules apply to RAPC.

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

Real property is land and objects affixed to the land such as buildings, trees and fences. Condominiums are real property.

Personal property is any item subject to ownership that is **not** real

property (examples: currency, savings accounts and vehicles).
(PEM 400 p. 1)

Under PEM 400, cash in checking and savings accounts are countable assets for determining MA eligibility. In this case, the Department counted the cash in Claimant's accounts at █████ bank, which put her over the asset limit. Claimant did not deny the existence of these balances at the time of her application, only that by the time of the hearing she had used the funds in these accounts.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the Department properly determined Claimant not eligible for MA at the time of her application was filed.

Accordingly, the Department's decision is AFFIRMED.

/s/ _____
Tyra L. Wright
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: 08/24/09

Date Mailed: 08/24/09

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.

TW/dj

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cc:

