

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: 2009-7507
Issue No: 2014; 2021
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
October 20, 2009
Van Buren County DHS

ADMINISTRATIVE LAW JUDGE: Landis Y. Lain

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 October 20, 2009. Claimant personally appeared and testified.

ISSUE

Did the Department of Human Services (the department) properly deny claimant's application for Medical Assistance benefits?

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 2, 2008, claimant filed an application for Medical Assistance benefits.

(2) On September 24, 2008, the department caseworker sent claimant notice that her application was denied based upon excess assets.

(3) On October 15, 2008, claimant filed a second application for retroactive Medical Assistance benefits for the month of July 2008.

(4) On October 27, 2008, income verifications were received for claimant and her husband.

(5) On November 7, 2008, retroactive Medical Assistance benefit was completed for the month of July 2008 and claimant was denied Medical Assistance benefits and was given a spend-down of \$1,324.

(6) Claimant was hospitalized in the month of July 2008.

(7) The department conceded on the record that claimant did have less than \$2,000 in available assets in her accounts in the month of July 2008 and conceded that claimant was eligible to receive Medical Assistance benefits for the month of July 2008 with a \$1,324 spend-down.

(8) On November 7, 2008, the department caseworker sent claimant notice that the application was denied.

(9) On November 18, 2008, claimant filed a request for a hearing to contest the department's negative action.

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 department conceded on the record that the September 2, 2008 application was denied inappropriately for excess assets because, claimant had less than \$2,000 in countable available assets in her account at some point during the month.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the department did not establish by the necessary, competent, material, and substantial evidence on the record that it was acting in compliance with department policy when it denied claimant's application for excess assets.

Accordingly, the department's decision is REVERSED. The department is ORDERED to reinstate claimant's September 2, 2008 application and to determine claimant's eligibility for Medical Assistance benefits with a \$1,324 spend-down if claimant is otherwise eligible.

/s/ _____
Landis Y. Lain
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: November 2, 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.

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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.

LYL/vmc

cc:

