

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: 2009-19054
Issue No: 2009
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
September 16, 2009
Saginaw 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 three-way telephone hearing was held on September 16, 2009, in Saginaw. Claimant did not appear. Claimant was represented by [REDACTED].

The department was represented by Brandi Eiland (ES).

The Administrative Law Judge appeared by telephone from Lansing.

ISSUE

Did the department correctly deny claimant's MA-P application due to excess assets (bank accounts) in August 2008?

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 October 27, 2008, claimant applied for MA-P.

(2) On the date of application, the MA asset limit was \$3,000.

(3) At the department's request, claimant submitted copies of her bank accounts for eligibility verification purposes.

(4) On November 24, 2008, [REDACTED] submitted bank statements from [REDACTED] [REDACTED]. The [REDACTED] statement shows the following owners: [REDACTED] [REDACTED].

(5) The August 2008 statement shows the following accounts:

Suffix A	\$ 2,916
Suffix S	\$14,661
Suffix X	<u>\$ 6,749</u>
Total	\$24,326

(6) On December 1, 2008, the caseworker computed an MA-P eligibility budget and denied claimant's MA-P application because her assets (\$24,326) at [REDACTED] exceeded the \$3,000 asset limit.

(7) On March 2, 2009, claimant requested a hearing.

(8) During the September 15, 2009 administrative hearing, [REDACTED] submitted Exhibit A which states in pertinent part:

March 29, 2009

To Whom It May Concern:

Due to the fact that I am not in good health, I have put all of my children's names on my banking account. I am not able to conduct my own business; therefore, my children are able to handle that for me. Laurie L. Snyder is my eldest daughter and she has no access to my account other than to conduct my business for me.

* * *

(9) [REDACTED] thinks that the assets held by [REDACTED] should be excluded because they belong to claimant's mother (PEM 400, page 8).

(10) The department thinks that the [REDACTED] position is a violation of MA Policy because (a) there is no information directly from the bank showing that the funds listed under claimant's name are not available to her; and (b) the letter from claimant's mother was not provided to the department prior to a determination of claimant's eligibility. Since it was submitted after the fact, it has no bearing on the department's decision.

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's income and eligibility policies provide for a system to determine financial eligibility. In order to be eligible for MA-P, claimant must establish that she needs the income and asset limits for the MA-P program. The MA-P asset limit, at the time of claimant's application, was \$3,000.

The preponderance of the evidence in the record shows that the caseworker correctly computed claimant's MA-P eligibility and correctly used the assets held by [REDACTED] for purposes of determining claimant's MA-P asset eligibility.

Since claimant's MA-P assets, especially those at [REDACTED], exceed the \$3,000 MA-P asset limit, the caseworker correctly denied claimant's application based on excess assets.

The letter which was submitted by [REDACTED] at the hearing was not available to the caseworker at the time she denied claimant's MA-P application due to excess assets.

There is no evidence on this record and arbitrary or capricious action by the local office.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the department correctly denied claimant's MA-P application due to claimant's assets.

Therefore, the department's actions are, hereby, AFFIRMED.

SO ORDERED.

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

Date Signed: March 26, 2010

Date Mailed: March 29, 2010

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

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cc:

