

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: 2009-25032
Issue No: 2009
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
May 4, 2010
Van Buren 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 May 4, 2010, in Hartford. The claimant did not appear at the hearing. Claimant was represented by [REDACTED].

The department was represented by James Tippin (FIM).

The Administrative Law Judge appeared by telephone from Lansing.

ISSUE

(1) Did the department correctly deny claimant's MA-P application because he reported assets over the \$3,000 MA-P 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) On December 29, 2008, claimant applied for MA-P and retro benefits. He was represented by [REDACTED]

(2) On January 24, 2009, the caseworker sent claimant a Verification Checklist (DHS-3503) requesting that claimant provide a verification of his assets and income.

(3) The due date for providing the requested verifications was February 4, 2009.

(4) On or before the due date, the claimant reported the following assets:

[REDACTED] Account	\$ 690
Unidentified Savings Account	<u>\$3,041</u>
Total bank accounts	\$3,731

(5) On February 9, 2009, the department denied claimant's MA-P application (DHS-1150 because "application was filed after [REDACTED] death."

(6) On April 21, 2009, [REDACTED] requested a hearing on claimant's behalf.

(7) During the hearing on May 4, 2010, the department agreed that the February 9, 2009 denial was incorrect.

(8) At the hearing, the department amended its DHS-1150. The amended DHS-1150 (dated May 4, 2010) states:

Not eligible for Medical for the following reasons:

Excess assets as provided by [REDACTED]

PEM 135, page 2, and PEM 400, page 4.

(9) On the date the application was filed, claimant had bank accounts over the \$3,000 MA asset limit.

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).

In order to be eligible for MA-P, claimant must meet the department's asset requirements. See PEM 135 and 400.

To determine eligibility for MA-P, the caseworker must calculate the total value of claimant's countable assets.

In this case, the MA-P asset limit is \$3,000.

The record is clear that on the date of application, claimant had bank accounts totaling at least \$3,731.

Based on a preponderance of the evidence in the record, the Administrative Law Judge concludes that the department correctly denied claimant's MA-P/retro application due to excess assets reported by claimant's representative [REDACTED].) at the time of application.

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 excess assets on May 4, 2010.

Accordingly, the department's action is, hereby, **AFFIRMED**.

SO ORDERED.

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

Date Signed: June 11, 2010

Date Mailed: June 14, 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

cc:

