

vSTATE 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: 2009-28918;
2010-215
Issue No: 2006
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
March 31, 2010
Jackson 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 March 31, 2010 in Jackson. Claimant personally appeared and testified under oath. Claimant was represented by [REDACTED].

The department was represented by Connie Adams (FIM).

The Administrative Law Judge appeared by telephone from Lansing.

The parties stipulated that Register #2009-8918 and Register #2010-215 raised identical issues and would be heard together and decided together.

ISSUE

Did the department correctly deny claimant's February 2009 MA-N application due to excess assets?

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 Medicaid program provides medical insurance for low income persons. The asset policy is found in BEM 400 and 401. To determine MA eligibility, the caseworker must calculate the total value of claimant's countable assets, including the value of checking accounts, saving accounts, CDs, annuities, trust accounts, etc. Claimant's total countable assets cannot exceed the applicable MA-N asset limit of \$3,000.

The preponderance of the evidence in the record shows that on the date of application, claimant had countable MA-N assets of \$9,581.59.

█ as claimant's representative has an affirmative duty to establish that the ownership of the Bank of America CD was not held by claimant or her husband.

The credible evidence in the record establishes that the █ was simply titled █. There are no supporting legal documents to establish the circumstances surrounding the statement.

In short, the evidence of record shows an ambiguous situation where █ is alleged to be the trustee of the █ CD Savings, but the circumstances and ownership are not clearly spelled out in the record. Due to the ambiguity of the ownership of the CD, the department correctly decided that claimant had not established the ownership of the █ CD. Claimant did not meet her burden of proof to show that the CD was unavailable to claimant and her husband.

Based on this analysis, claimant was not eligible for MA-N and benefits for January and February 2008 due to excess assets.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the department correctly calculated claimant's MA-N eligibility for January and February 2008 and correctly denied claimant's application based on excess assets.

Therefore, the department's denial is, hereby, AFFIRMED.

SO ORDERED.

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

Date Signed: May 17, 2010

Date Mailed: May 18, 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:

