

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: 2009-30480  
Issue No: 2021  
Case No: [REDACTED]  
Load No: [REDACTED]  
Hearing Date:  
July 29, 2010  
Benzie County DHS

ADMINISTRATIVE LAW JUDGE: William A. Sundquist

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 July 29, 2010.

ISSUE

Was excess assets established (over \$2000)?

FINDINGS OF FACT

The Administrative Law Judge, based upon the competent, material and substantial evidence on the whole record, finds as material fact:

- (1) Negative case action: MA termination on June 4, 2009, based on issue above per PEM 400.
- (2) On June 4, 2009, claimant's real estate was valued at \$3800 (SEV x 2).
- (3) Claimant admits that the DHS advised her of the different methods for evaluating her real estate (BEM 400, page 36).

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).

Facts above are undisputed.

**LIF Asset Limit**

**LIF Only**

\$3,000. PEM, Item 400, p. 4.

**Real Property and Mobile Home Value**

**SSI-Related MA Only**

The value is the equity value. Equity value is the fair market value minus the amount legally owed in a written lien provision.

To determine the value of real property and mobile homes use:

- . Deed, mortgage, purchase agreement or contract, or
- . State Equalized Value (SEV) or current property tax records multiplied by 2, or
- . Statement of real estate agent or financial institution, or
- . Attorney or court records, or
- . County records

Liens must be filed with the Register of Deeds or other appropriate agency.

**Note:** In Michigan, a lien on a mobile home is on record with the Secretary of State. If the mobile home is on land the person owns,

the lien may also be recorded with the land deed. PEM, Item 400, pp. 17-18.

The claimant testified that her real estate in question is unsellable and therefore of no value. She admits that she was put on notice of the above methods for valuation of her property. She did not introduce any appraisal by a real estate expert to support her conclusion, but accepted the SEV method.

Therefore, this ALJ is persuaded by the preponderance of the evidence of record that excess assets were established.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that excess assets were established.

Accordingly, MA termination UPHELD.

/s/ \_\_\_\_\_  
William A. Sundquist  
Administrative Law Judge  
for Ismael Ahmed, Director  
Department of Human Services

Date Signed: August 10, 2010

Date Mailed: August 10, 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.

200930480/WAS

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.

WAS [REDACTED]

cc:

[REDACTED]