

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: 2009-4726
Issue No: 2021
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
July 21, 2009
Allegan County DHS

ADMINISTRATIVE LAW JUDGE: Janice Spodarek

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9; and MCL 400.37 upon claimant's timely request for a hearing. After due notice, a telephone evidentiary hearing was held on July 21, 2009.

ISSUE

Did the Department of Human Services (DHS) properly propose to close claimant's Medical Assistance (MA) case on the grounds that claimant had excess assets?

FINDINGS OF FACT

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

- (1) This administrative hearing was scheduled for July 21, 2009 at 10:30 a.m.
- (2) At approximately 11:35 a.m., SOAHR informed the undersigned Administrative Law Judge that the county was ready to proceed with an administrative hearing. As the information presented to the Administrative Law Judge indicated that the county was over one

hour late, the undersigned Administrative Law Judge contacted the county and inquired as to the delay. The county stated that the first phone call was made to SOAHR at 10:32 a.m. and another phone call made approximately one hour later as there was no returned phone call.

(3) At all relevant times prior to the proposed negative action herein, claimant was an MA-P recipient on the basis of receiving SSI.

(4) In August, 2008, the local office was informed by SSA that claimant's SSI case was transferred to RSDI. The local office conducted a review.

(5) Claimant's asset information showed a [REDACTED] statement from August, 2008, with a cash balance of \$2,153.18 after deducting that month's Social Security payment.

(6) Claimant does not dispute the facts.

(7) The asset limit for claimant is \$2,000.

(8) On 10/14/08, the DHS issued a notice to claimant informing him that his Medicaid will be cancelled effective 10/28/2008 due to his assets exceeding the \$2,000 asset limit.

(9) On 10/21/08, claimant filed a timely hearing request. The department reinstated the action pending the outcome of the hearing.

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).

Applicable asset and income information is found in PEM Items 400, 401, 402, and 500.

The above-cited policy items indicate that claimant's asset limit is \$2,000. Unrefuted evidence on the record indicates that claimant's assets in the month of August, 2008 exceeding the \$2,000 limit. Claimant was in excess assets status.

After a careful review of the substantial and credible evidence on the whole record, this Administrative Law Judge finds that claimant's assets exceeded the asset limit as calculated by the department pursuant to DHS policy and federal regulations. As such, the department was required to propose closure of claimant's case. As already noted, claimant filed a timely hearing request and continues to receive full MA. Claimant understands that he may reapply.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the department's proposed actions were correct.

Accordingly, the department's proposed closure is hereby UPHELD.

/s/ _____
Janice Spodarek
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: August 10, 2009

Date Mailed: August 11, 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.

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 mailing date of the rehearing decision.

2009-4726/JS

JS/cv

cc:

