

STATE OF MICHIGAN
STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES
ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF:



Reg No. 201011367
Issue No. 2021
Case No. [REDACTED]
Load No. [REDACTED]
Hearing Date: July 6, 2010
Midland County DHS

ADMINISTRATIVE LAW JUDGE: Carmen G. Fahie

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37 upon the claimant's request for a hearing. After due notice, a telephone hearing was held on Tuesday, July 6, 2010. The claimant is deceased, but was represented by her son [REDACTED].

ISSUE

Did the department properly determine that the claimant was not eligible for Medical Assistance (MA) for the month of November 2008 due to excess assets?

FINDINGS OF FACT

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

1. The claimant was entered into long-care on August 29, 2008.
2. On January 2, 2009, the claimant applied for MA with retroactive benefits to November 2008.
3. Subsequently, the claimant's family cashed in [REDACTED] worth of CDs and bought a funeral contract for the claimant.
4. There were some issues with the value of the life insurance, which made eligibility for MA to begin on December 1, 2008.
5. Subsequently, the claimant's children sent her money that was deposited into her checking account for years back to June 2003.

6. On April 1, 2009, the department caseworker sent the claimant a notice that she would be eligible for MA beginning December 2008, but she was not eligible for Medicaid for the month of November 2008.
7. On September 28, 2009, the department received a hearing request from the claimant, contesting the department's negative action.
8. The parties have reached an agreed upon settlement to resolve the dispute. The department agrees not to count the gifts received to the claimant from her children, which when subtracted would make her assets under [REDACTED], thereby qualifying her for MA for the month of November 2008.

CONCLUSIONS OF LAW

The Medical Assistance (MA) program is established by the 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 (formerly known as the Family Independence Agency) administers the MA program pursuant to MCL 400.10, *et seq.*, and MCL 400.105. Department policies are found in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Program Reference Manual (PRM).

In the present case, the parties have reached an agreed upon settlement to resolve the dispute. The department agrees not to count the gifts received to the claimant from her children, which when subtracted would make her assets under [REDACTED], thereby qualifying her for MA for the month of November 2008. If the claimant's son does not agree with the determination, he may file another request for a hearing.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the parties have reached an agreed upon settlement.

The department is **ORDERED** to qualify the claimant for MA for the month of November 2008, if it has not already done so.

/s/ _____
Carmen G. Fahie
Administrative Law Judge
For Ismael Ahmed, Director
Department of Human Services

Date Signed: August 30, 2010

Date Mailed: August 30, 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 mailing 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.

CGF/vc

cc:

