

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: 2010-26782
Issue No: 2000
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
April 22, 2010
Alpena County DHS

ADMINISTRATIVE LAW JUDGE: Jana A. Bachman

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 April 22, 2010. Claimant was represented by [REDACTED]

ISSUE

Whether the department properly determined claimant's eligibility for Medical Assistance (MA).

FINDINGS OF FACT

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

- (1) May 26, 2009, the department received claimant's application for MA. She was a patient of a long-term care (LTC) facility.
- (2) November 20, 2009, a Verification Checklist (DHS-3503) was sent to claimant's representative with verifications due November 30, 2009.

(3) December 8, 2009, the verifications were received.

(4) December 18, 2009, the department sent claimant written notice that the application was denied due to excess assets.

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).

Department manuals provide the following instructions for caseworkers:

The local office is not expected to:

- Provide estate planning advice.
- Provide funeral planning advice.
- Determine the effect on eligibility of proposed financial arrangements such as a proposed trust.

Bridges Administrative Manual (BAM) 105; 42 CFR 431, 435; MCL 400.60(2)

Following registration of an application, the department must do all the following:

- Interview clients when required by policy.
- Determine eligibility for a program within the applicable Standard of Promptness (SOP).
- Document the eligibility determination.

- Inform the client of the eligibility decision.

The Standard of Promptness (SOP) begins the date the department receives an application/filing form with minimum required information. The SOP for MA categories in which disability is an eligibility factor is 90 days. BAM 115; 42 CFR 431.435.

In this case, the department did not timely process claimant's application for MA. The remedy for the department delay has been achieved: that is to process the MA application and notify the client of the result. As stated in policy above, the department cannot provide estate planning or financial planning to clients. Accordingly, claimant's assertion that the department was unavailable to discuss what should be done with claimant's insurance policy is not consistent with department policy as the department could not have advised the client in any case. Finding of Fact 1-4; BAM 105, 115. Accordingly, the department has met its burden of proof and its action to deny the application for excess assets must be upheld.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the department properly determined claimant's eligibility for Medical Assistance.

Accordingly, the department's action is, hereby, UPHELD.

/s/ _____
Jana A. Bachman
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: April 29, 2010

Date Mailed: April 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 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.

MBM/db

cc:

