

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

IN THE MATTER OF:



Reg. No: 2010-32278
Issue No: 2021
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
September 20, 2010
Wayne County DHS

ADMINISTRATIVE LAW JUDGE: Jonathan W. Owens

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 hearing was held on September 20, 2010. The Claimant was represented by her daughter.

ISSUE

Did the Department of Human Services (Department) properly deny Claimant's Medical Assistance (MA) application for excess assets?

FINDINGS OF FACT

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

1. On September 23, 2009, the Claimant applied for MA coverage including retro to July 2009.
2. On November 16, 2009, denied the Claimant's application for MA for excess assets for the months of September, October, and November. No decision was issued on the request for retro MA.
3. On January 28, 2010, Claimant filed a request for 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 (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 Program Administrative Manual (PAM), the Program Eligibility Manual (PEM) and the Program Reference Manual (PRM).

Michigan provides MA for eligible clients under two general classifications: Group 1 and Group 2 MA. Claimant falls under Group 2 MA classification which consists of client's whose eligibility results from the state designating types of individuals as "medically needy." MCL 400.106; MSA 16.490 (16), MCL 400.107; MSA 16.490(17), and PEM, Item 105.

In order to qualify for MA the Claimant must have assets less than \$2000. The Department determined the Claimant had assets in excess of \$2000 for the months of September, October, and November. The Department determined this based upon a bank statement for the months in question. The Department, however, failed to remove the SSA deposits from the bank totals for each month. The Claimant actually had \$1648.32 in the account on September 2009 after removing the SSA income of \$658. In the month of October, the Claimant's lowest balance would be \$1684.24 after removing the SSA income of \$658. The November 2009 lowest balance would be \$2165.60.

After considering the above information, this Administrative Law Judge finds the Department incorrectly found the Claimant to have excess assets for the months of September and October 2009. However, the Department was correct in determining the Claimant's assets did exceed the \$2000 limit in the month of November 2009.

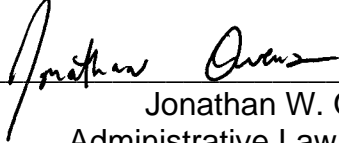
In addition, the Department failed to make an eligibility determination for the months of July and August 2009.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the Department properly denied Claimant's MA application for excess assets for the month of November 2009. Therefore, this decision is UPHeld.

The Department incorrectly determined the Claimant ineligible for the months of September and October 2009 based upon assets; therefore, this decision shall be REVERSED. The Department shall activate MA for the months of September and October 2009, if otherwise eligible.

In addition, the Department is ORDERED to process the application for MA for the months of July and August 2009 and, if found eligible, to activate coverage for those months.


Jonathan W. Owens
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: 09/22/10

Date Mailed: 09/22/10

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.

JWO/dj

cc:

