

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

IN THE MATTER OF:

[REDACTED]

Reg No. 201040390
Issue No. 2021
Case No. [REDACTED]
Load No. [REDACTED]
Hearing Date: September 30, 2010
Eaton 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 three-way telephone hearing was held on Thursday, September 30, 2010. The claimant was not present, but was represented by her authorized representative, [REDACTED], from [REDACTED].

ISSUE

Did the department properly deny the claimant's application for Medical Assistance (MA) based on the fact that the claimant had 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. On September 8, 2009, [REDACTED] filed an MA application with retroactive benefits to August 2009.
2. On December 7, 2009, the department caseworker ran a budget to determine MA eligibility, but determined that the claimant had excess assets as a result of liquid assets of [REDACTED] and a lump sum of [REDACTED] which resulted in the claimant failing the asset limit of \$2,000. (Department Exhibit 4-17)
3. On December 7, 2009, the department caseworker sent the claimant a notice that she had excess assets for MA eligibility.

4. On February 26, 2010, the department received a hearing request from the claimant, contesting the department's negative action.
5. During the hearing, the authorized representative stated that the claimant had some trust accounts that needed to be evaluated by the Medicaid Policy Unit.
6. The parties have reached an agreed upon settlement to resolve the dispute. The department agrees to reinstate the claimant's September 8, 2009 application with retroactive benefits to August 2009 to redetermine if the claimant is MA eligible based on a Verification Checklist that was sent to [REDACTED] by fax on November 30, 2010 for the claimant and her authorized representative to provide a copy of the trust papers and any changes made and bring or send records for any assets or income. The original documentation for the trust needs to be provided. As an authorized representative you are aware that this information was needed yet failed to provide. DHS will reprocess the September 8, 2009 application but the information must be provided within 10 days.

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).

In the present case, the parties have reached an agreed upon settlement to resolve the dispute. The department agrees to reinstate the claimant's September 8, 2009 application with retroactive benefits to August 2009 to redetermine if the claimant is MA eligible based on a Verification Checklist that was sent to [REDACTED] by fax on November 30, 2010 for the claimant and her authorized representative to provide a copy of the trust papers and any changes made and bring or send records for any assets or income. The original documentation for the trust needs to be provided. As an authorized representative you are aware that this information was needed yet failed to provide. DHS will reprocess the September 8, 2009 application but the information must be provided within 10 days. If the claimant does not agree with the determination, she 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 reinstate the claimant's September 8, 2009 application with retroactive benefits to August 2009 and redetermine MA eligibility by sending the claimant and her authorized representative a Verification Checklist, if it has not already done so.

/s/

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

Date Signed: December 6, 2010

Date Mailed: December 6, 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:

