

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: 2010-43
Issue No: 2010; 2009
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
December 9, 2009
Gladwin County DHS

ADMINISTRATIVE LAW JUDGE: Jay W. Sexton

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 December 9, 2009. Claimant personally appeared and testified under oath.

The department was represented by Kimber Nolan (ES).

The Administrative Law Judge appeared by telephone from Lansing.

ISSUE

Did the department correctly deny claimant's MA-P application due to excess assets (checking and savings account)?

FINDINGS OF FACT

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

(1) On July 23, 2009, claimant applied for MA-P. The asset limit at the time of claimant's application (group size of two) was \$3000.

(2) The caseworker requested claimant's financial records to verify claimant's asset eligibility.

(3) Claimant submitted her financial records in a timely fashion. They show the following countable assets:

[REDACTED]		
Savings Account		\$4,465.20
Checking Account		<u>\$ 375.95</u>
[REDACTED] Accounts Total		\$4,841.15
[REDACTED]		
Savings Account		\$ 645.61
[REDACTED] Accounts Total		645.61

(4) On July 30, 2009, the caseworker denied claimant's MA-P application due to excess assets. The caseworker sent claimant written notice of the denial.

(5) On August 17, 2009, claimant requested a hearing.

(6) Claimant thinks that the department's action is unfair because she no longer has the assets in question.

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).

Current Medicaid regulations require that the department determine an MA-P applicant's asset level to determine if claimant's MA-P assets fall within the \$3,000 asset limit. BEM 400 and BAM 105, 400. The department's notice explains the asset requirements for the MA-P program in detail:

You do not qualify for Medicaid because of your assets. Your countable assets are more than the \$3,000 asset limit.

Countable assets include; but are not limited to: cash, savings, checking, and credit union accounts; cars, trucks, campers, motorcycles, and other vehicles; stocks and bonds; land contract; farm or business equipment; real property (land) other than her home; trusts; and cash surrender value of life insurance policies.

* * *

Manual Items: BEM 400 and 401, and 402.

Based on the caseworkers determination that claimant had countable MA-P assets of \$5,485, the caseworker correctly denied claimant's MA-P application due to excess assets.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the department correctly counted claimant's [REDACTED] and [REDACTED] [REDACTED] Checking and Savings accounts. Because claimant's combined accounts had a total value of \$5,485, the department correctly denied claimant's MA-P application due to excess assets.

Accordingly, the department's denial of claimant's MA-P application is, hereby,
AFFIRMED.

SO ORDERED.

/S/

Jay W. Sexton
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: February 26, 2010

Date Mailed: February 26, 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.

JWS/tg

cc:

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