

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: 2010-8740
Issue No: 2021
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
May 29, 2010
Monroe County DHS

ADMINISTRATIVE LAW JUDGE: Suzanne L. Keegstra

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 May 19, 2010. The claimant personally appeared and provided testimony.

ISSUE

Did the department properly determine the claimant had excess assets and income to receive Medical Assistance (MA) in October, 2009?

FINDINGS OF FACT

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

1. The claimant applied for MA benefits in October, 2009.
2. The claimant resides with his child and his child's mother.
3. The department included the child's mother's income and assets in the MA

determination. This caused the claimant to be excess assets and income for MA benefits.

(Department Exhibit 1 – 4)

4. The claimant submitted a hearing request on October 16, 2009.

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 Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Program Reference Manual (PRM).

ASSETS

DEPARTMENT POLICY

FIP, SDA, LIF, Group 2 Persons Under Age 21, Group 2 Caretaker Relative, SSI-Related MA, and AMP

Assets must be considered in determining eligibility for FIP, SDA, LIF, Group 2 Persons Under Age 21 (G2U), Group 2 Caretaker Relative (G2C), SSI-related MA categories and AMP.

FIP and SDA Asset Limit

FIP and SDA Only

\$3,000. BEM, Item 400, p. 3.

The claimant applied for MA benefits in October, 2009. Department policy requires the department to consider the claimant for any categories of MA the claimant may be entitled to receive. The claimant was only eligible to be considered for a FIP-related MA category, caretaker relative MA. However, to be eligible for a FIP-related MA category, the claimant must meet FIP eligibility. Department policy requires the program group to include all of the following living in the same household—the dependent child, the child’s legal parents and the child’s legal siblings. BEM 210.

The claimant resides with his child, the child’s mother and the mother’s other child (not his relation). Thus, department policy requires that they all be included in the claimant’s

program group, which means all assets and income of the group members is considered in determining eligibility. The claimant's child's mother is employed [REDACTED]. Her gross income is over \$5000 each month, causing excess income for FIP-related MA. The income limit for a group size of three is \$2289. The claimant points out that the department did not include one child in the computations. However, the claimant would still be excess income if another child were added in to the equation.

The child's mother also has a checking account with almost \$7900 in it. Department policy indicates that the asset limit for FIP programs is \$3000. BEM 400. Therefore, the claimant's program group was excess assets for FIP-related MA eligibility.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the department properly determined the claimant's program group was not eligible for MA benefits due to excess income and assets in October, 2009.

Accordingly, the department's decision is UPHELD. SO ORDERED.

/s/ _____
Suzanne L. Keegstra
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: June 17, 2010

Date Mailed: June 22, 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.

SLK [REDACTED]

cc: [REDACTED]