

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

IN THE MATTER OF:

[REDACTED]
ST
[REDACTED]

Reg. No.: 2010-47226
Issue No.: 2010
Case No.: [REDACTED]
Load No.: [REDACTED]
Hearing Date: November 3, 2010
DHS County: Macomb (12)

ADMINISTRATIVE LAW JUDGE: Jan Leventer

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to Michigan Compiled Laws (MCL) 400.9 and 400.37, and Claimant's request for a hearing. After due notice, a telephone hearing was held on November 3, 2010. Claimant appeared and testified. Claimant's Authorized Representative, [REDACTED], also appeared and testified. [REDACTED], appeared and testified for the Department of Human Services (DHS).

ISSUE

Whether DHS properly determined Claimant's assets in processing her Medical Assistance (MA or Medicaid) application?

FINDINGS OF FACT

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

1. In November 2009, Claimant applied for MA as a member of an asset group of two persons, herself and her spouse.
2. In November 2009, the DHS asset limit for SSI-related MA for an asset group of two persons was \$3,000.
3. In November 2009, Claimant was a joint owner with her husband of two Bank of America accounts, an Interest Checking and a Money Market Savings account.
4. On November 4, 2009, Claimant's Money Market Savings account balance was \$3,064.87, and her Interest Checking account balance was \$486.85.

5. At no time in November 2009 did Claimant have less than \$3,000 in the combined two accounts.
6. On November 20, 2009, Claimant applied for MA benefits with DHS.
7. On April 30, 2010, DHS denied Claimant's application, stating that she had excess assets for the month of November, 2009.
8. On May 27, 2010, Claimant filed a hearing request with DHS.

CONCLUSIONS OF LAW

MA was established by Title XIX of the U.S. Social Security Act and is implemented by Title 42 of the Code of Federal Regulations. DHS administers the MA program pursuant to MCL 400.10, *et seq.*, and MCL 400.105. DHS' policies are found in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Reference Tables Manual (RFT). These manuals are available online at www.michigan.gov/dhs-manuals.

The DHS manuals are the essential operating manuals providing policy and procedures for all DHS activity on a day-to-day basis. I find that there are two manual sections that are applicable in this case. First, BEM 211, "MA Group Composition," states that a husband and wife living together and sharing assets are referred to as an asset group of two persons. I find that this is what is present in this case, and I determine that Claimant and her husband constitute an asset group of two persons for purposes of determining Claimant's eligibility for MA. BEM 211, p. 2.

I now turn to a second manual section, BEM 400, "Assets," which states that for all SSI-related MA categories except Freedom to Work, Medicare Savings Programs and Qualified Disabled Working Individuals, the asset limit for an asset group of two is \$3,000. BEM 400, p. 5.

I have examined all of the testimony and evidence in this case. In particular, I reviewed the bank account statements provided at the hearing. DHS Exhibit 1 is a statement which summarizes the assets in both accounts for the month of November. Looking at DHS Exhibit 1, I find that this statement indicates that, as of December 7, 2009, Claimant's assets were \$3,124.77. This is the information DHS used in denying Claimant's eligibility based on the reasoning that the combined balance is more than the asset limit of \$3,000. I find there is no error in the DHS determination in this case.

In addition, I reviewed the additional bank account statement provided at the hearing by Claimant as Exhibit 2. This statement provides daily account transactions for the month

of November, 2009, and it allows me to make a more detailed consideration as to whether Claimant's assets fell below \$3,000 on any specific day in November. If Claimant's assets were below \$3,000 on a single day in November, Claimant would have met the requirement that her assets be under \$3,000 and she would have been eligible for MA.

Looking first at the Money Market Savings account, I see that the only time period in which it was below \$3,000 was November 23-December 7, 2009, and, the lowest amount during that period was \$2,828.87. So, if on any day during that period Claimant had less than \$171.13 in her checking account, the asset limit requirement would be met in this case.

I next reviewed Claimant's checking account daily balances, and found that there was no day when the checking account had less than \$171.13. I find and conclude that at no time in the month of November 2009 were Claimant's assets less than \$3,000.

I find and conclude that DHS acted in accordance with its policies and procedures in this case, and DHS is AFFIRMED. DHS need take no further action in this case.

DECISION AND ORDER

The Administrative Law Judge, based on the above findings of fact and conclusions of law, AFFIRMS the DHS decision in this case. DHS need take no further action in this matter.



Jan Leventer
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: November 9, 2010

Date Mailed: November 9, 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.

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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.

JL/pf

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