

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

IN THE MATTER OF THE CLAIM OF:

[REDACTED]

Reg. No.: 20108427
Issue No.: 2021
Case No.: [REDACTED]
Load No.: [REDACTED]
Hearing Date: June 28, 2010
Macomb County DHS (12)

ADMINISTRATIVE LAW JUDGE: Michael J. Bennane

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 telephone hearing was held on June 28, 2010. The claimant appeared and testified. The Claimant was represented by her attorney [REDACTED], and her daughter [REDACTED].

ISSUE

Did the Department properly deny the Claimant's Medical Assistance (MA) due to 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 February 28, 2009, the claimant purchased an annuity.
2. The annuity paid the claimant \$3,992.91 per month for March and April 2009.
3. The department to budget the income from the annuity when it was received by the claimant. (Department exhibit 1).
4. On September 14, 2009, the Claimant filed a request for a hearing.

CONCLUSIONS OF LAW

The Medical Assistance (MA) program is established by the 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 Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Program Reference Manual (PRM).

In the instant case, the claimant purchased an annuity on February 28, 2009. The annuity paid the claimant \$3,992.91 on March 28, 2009, and \$3,992.91 on April 28, 2009. The department correctly assigned this income to the months in which they were received by the claimant.

Claimant's attorney requested that the amounts paid to the claimant be assigned to a different month.

MA and TMAP

Lump-sums and accumulated benefits are income in the month received. Follow the appropriate policy in this item based on the source of the funds. (PEM 500, p.3).

This ALJ finds that the department correctly allocated the funds paid from the annuity.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law AFFIRMS the Department's decision.



Michael J. Bennane
Administrative Law Judge
For Ismael Ahmed, Director
Department of Human Services

Date Signed: 07/14/2010

Date Mailed: 07/14/2010

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.

MJB/jlg

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