

STATE OF MICHIGAN
MICHIGAN ADMINISTRATIVE HEARING SYSTEM
ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF:

[REDACTED]

Reg. No: 201113121
Issue No: 2021
Case No: [REDACTED]
Hearing Date: April 20, 2011
Newaygo County DHS

ADMINISTRATIVE LAW JUDGE: William A. Sundquist

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 April 20, 2011. The claimant appeared and testified.

ISSUE

Were excess assets (over \$3,000) established?

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 October 7, 2010, the Claimant applied for Medicaid retroactively for the month of September, was denied on November 18, 2010, per BEM 400, and requested a hearing on December 27, 2010.
- (2) During September the Claimant's had a checking account in the amount of [REDACTED].
- (3) On September 29, 2010, the Claimant issued a check for [REDACTED] to pay a bill leaving [REDACTED].

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).

The facts above are undisputed:

Asset eligibility exists when the asset group's countable assets are less than, or equal to, the applicable asset limit at least one day during the month being tested. BEM 400, p. 4.

Until the check clears the bank, it is still available to the Claimant. For example, Claimant still had control over the check with a "stop-payment."

Based on the undisputed facts and policy above, excess assets were established.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law decides that excess assets (over \$3,000.00) were established.

Accordingly, MA denial for retroactive month, September 2010, is UPHELD.

/s/ _____
William Sundquist
Administrative Law Judge
For Maua D. Corrigan, Director
Department of Human Services

Date Signed: May 9, 2011

Date Mailed: May 9, 2011

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 receipt 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.

WAS/ar

201113121/WAS

cc:

