

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

IN THE MATTER OF:

[REDACTED]

Reg. No: 2011-24619

[REDACTED]

[REDACTED]

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 received on March 11, 2011. After due notice, a telephone hearing was held on [REDACTED]. Claimant's authorized representative, [REDACTED] personally appeared and provided testimony.

ISSUES

Whether the department properly determined Claimant's eligibility for the Medical Assistance (MA) program?

FINDINGS OF FACT

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

1. Claimant applied for the Medical Assistance (MA) program and the department mailed Claimant a Verification Checklist on [REDACTED], requesting verification of Claimant's RSDI income and assets. (Department Exhibits 3-4).
3. On [REDACTED], the department received verification of Claimant's assets, showing she had a total of [REDACTED] in her checking and savings accounts, and a car valued at [REDACTED]. (Department Exhibits 1-2).
4. On [REDACTED] the department mailed Claimant a Notice of Case Action denying her MA application. (Department Exhibits 5-11).
5. Claimant submitted a hearing request on [REDACTED], protesting the denial of MA benefits. (Request for a Hearing).

CONCLUSIONS OF LAW

The regulations governing the hearing and appeal process for applicants and recipients of public assistance in Michigan are found in the Michigan Administrative Code, MAC R 400.901-400.951. An opportunity for a hearing shall be granted to an applicant who requests a hearing because his claim for assistance is denied. MAC R 400.903(1).

Clients have the right to contest a department decision affecting eligibility or benefit levels whenever it is believed that the decision is incorrect. The department will provide an administrative hearing to review the decision and determine the appropriateness. BAM 600.

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 Bridges Reference Manual (BRM).

Assets must be considered in determining eligibility for MA. The department considers only Cash (which includes savings and checking accounts), Investments, Retirement Plans and Trusts. Assets are defined as cash, any other personal property and real property. Real property is land and objects affixed to the land such as buildings, trees and fences. Condominiums are real property. Personal property is any item subject to ownership that is not real property (examples: currency, savings accounts and vehicles). Countable assets cannot exceed the applicable asset limit. BEM 400.

The department determines asset eligibility prospectively using the asset group's assets from the benefit month. Asset eligibility exists when the group's countable assets are less than, or equal to, the applicable asset limit at least one day during the month being tested. The Medical Assistance asset limit is [REDACTED] BEM 400.

In this case, the balance of Claimant's checking account at the time of application for Medicaid benefits was [REDACTED]. Claimant's savings account was [REDACTED] for a total of [REDACTED]. The asset limit for the Medicaid program is [REDACTED]. Because Claimant had over [REDACTED] checking and savings accounts, she was over the asset limit and therefore the department properly denied Claimant Medicaid benefits.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the department acted in accordance with policy in determining Claimant's MA eligibility.

The department's MA eligibility determination is AFFIRMED.

It is SO ORDERED.

/s/ _____
Vicki L. Armstrong
[Redacted]

Date Signed: [Redacted] _____

Date Mailed: [Redacted] _____

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.

[Redacted]