

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

IN THE MATTER OF:

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██████████████████████████████

Reg. No. 2011-37807
Issue No. 2021
Case No. ██████████
Hearing Date: July 19, 2011
Shiawassee 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 July 19, 2011.

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. ██████ filed a Medicaid application on October 27, 2010 (retroactive for three months), was denied on January 14, 2011 per BEM 400, and requested a hearing on April 11, 2011.
2. Both parties agreed that if the claimant's spouse's 401(k) was available, the claimant's countable assets exceeded the asset limitation. Otherwise, the claimant did not have excess assets.
3. After the hearing, in a faxed letter dated July 19, 2011, the DHS agreed that the spouse's 401(k) retirement account was unavailable to the spouse; and that claimant's vehicles are no longer countable assets for the MA program G2C (DHS Exhibit #1 and L&S Exhibit A).

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).

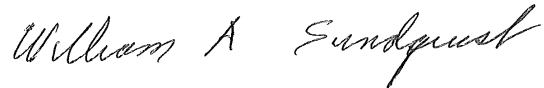
Facts above are undisputed.

Based on the undisputed facts above, excess assets were not established.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that excess assets were not established.

Accordingly, Medicaid denial is REVERSED, and reinstatement of the application process within ten work days is ORDERED.



William A. Sundquist
Administrative Law Judge
For Maura D. Corrigan, Director
Department of Human Services

Date Signed: July 28, 2011

Date Mailed: July 29, 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 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.

WAS/tg

cc:

