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

IN THE MATTER OF:

Reg. No.: 2011-40952

Issue No.: 2021

Case No.:

Hearing Date: August 11, 2011

DHS County: Wayne (18)

ADMINISTRATIVE LAW JUDGE: Michael J. Bennane

# **HEARING DECISION**

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9; MSA 16.409 and MCL 400.37; MSA 16.437, upon the claimant's request for a hearing. After due notice a telephone hearing was hele of from Detroit, Minchigan on August 11, 2011. The claimant was appeared and testified.

### <u>ISSUE</u>

Did the Department of Human Services (D epartment) properly close the claimant's Medical Assistance (MA) and Refugee Assistance Progra m (RAP), due to excess assets?

# FINDINGS OF FACT

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

- 1. On March 22, 2011, the claimant applied for MA, R AP and F ood Assist ance (FAP).
- 2. On June 8, 2011, the Department clos ed the claimant's MA and RAP due to excess assets.
- 3. On June 14, 2011, the claimant filed a request for a hearing.

#### **CONCLUSIONS OF LAW**

The Medical Assistance (MA) program is estab lished by Title XIX of the Social Sec urity Act and is implemented by Title 42 of the C ode 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 MC L 400.105. Department policies are found in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Bridges Reference Manual (BRM).

The Department relies on BEM 400 which says in part:

# FIP/RAPC/SDA/ AMP Asset Group

FIP, RAPC, SDA and AMP Only

The asset group includes individuals with an EDG participation status of eligib le or disqualified; see BEM 210, 214 and 215.

FIP, RAPC and SDA Asset Limit

FIP, RAPC and SDA Only \$3,000 (BEM 400, p.3.)

In the inst ant case, the claimant had as sets totaling \$9,970.26, at the time of h application.

The Department opened his MA and RAP in error.

This Administrative Law Judge finds that the Department correctly closed the claimant's MA and RAP.

## **DECISION AND ORDER**

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

Michael Administrative

for

Department

Date Signed: August 19, 2011

Date Mailed: August 19, 2011

J. Bennane Law Judge Maura Corrigan, Director of Human Services

**NOTICE**: Administrative Hearings may or der a rehearing or reconsideration on either its own motion or at t he request of a party with hin 30 days of the mailing date of this Decision and Order. Administrative Hear ings will not orde rarehearing or

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reconsideration on the Department's mo tion where the final decis ion 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 ti mely request for rehearing was made, within 30 days of the receipt date of the rehearing decision.

## MJB/cl

CC: