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

DEFARTMENT OF HOMAN SERVICES		
IN THE MATTER OF:		
	Reg. No.: Issue No.: Case No.: Hearing Date: County:	2011-46301 2021 October 17, 2011 Wayne (19)
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 following Claim ant's request for a hearing. After due notice, a telephone hearing was held on Oc tober 17, 2011, from Detroi t, Michigan. Participants on behalf of Claimant included behalf of Department of Human Services (Department) included (ES).		
<u>ISSUE</u>		
Due to exc ess assets, did the Department properly \boxtimes deny the Claimant's app lication \square close Claimant's case for:		
☐ Family Independence Program (FIP)? ☐ Medical Assistance (MA)? ☐	=	Assistance (AMP)? Assistance (SDA)?
FINDINGS OF FACT		
The Administrative Law Judge, based on t he competent, material, and substantial evidence on the whole record, including the test imony at the hearing, finds as material fact:		
1. Cla imant ⊠ applied for benefits ☐ received benefits for:		
☐ Family Independence Program (FIP). ☐ Medical Assistance (MA). ☐		Assistance (AMP). Assistance (SDA).

2. Due to excess assets, on April 13, 2011, the Department ⊠ denied Claimant's application. ☐ closed Claimant's case.

assets:

 On April 13, 2011, the Department sent ☐ Claimant ☐ Claimant's Authorized Representative (AR) notice of the ☐ denial. ☐ closure.
 On July 11, 2011, Claimant filed a hearing request, protesting the
CONCLUSIONS OF LAW
Department policies are found in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM), and the Reference Tables Manual (RFT).
☐ The Adult Medical Program (AMP) is established by 42 USC 1315, and is administered by the Department pursuant to MCL 400.10, <i>et seq</i> .
The Family Independence Program (FIP) was established pursuant to the Personal Responsibility and W ork Opportunity Reconc iliation Act of 1996, Public Law 104-193, 42 USC 601, et seq. The Department (formerly k nown as the Family Independence Agency) administers FIP pursuant to MCL 400.10, et seq., and 1999 AC, Rule 400.3101 through Rule 400.3131. FIP replaced the Aid to Dependent Children (ADC) program effective October 1, 1996.
\square The Medical Ass istance (MA) program is es tablished by the Title XIX of the Soc ial Security Act and is implemented by Title 42 of the Code of Federal Regulations (CFR). The Department (formerly known as the F amily Independence Agency) administers the MA program pursuant to MCL 400.10, <i>et seq.</i> , and MCL 400.105.
☐ The State Disabilit y Assistance (SDA) program, which provides financial assistance for disabled persons, is established by 2004 PA 344. The Department (formerly known as the Family Independence Agency) administers the SDA program pursuant to M CL 400.10, et seq., and 2000 AACS, Rule 400.3151 through Rule 400.3180.
Additionally, the Department failed to utilize the following formula for the assignment of

Deeming Calculation
SSI-Related MA Only
Use the following to calculate the deemed amount.
Determine the total value of the parents' countable a ssets, as if they were an asset group, even if they are not married.
The child is not eligible for SSI-related MA if the parents refuse to provide asset information or a required verification.
Subtract \$2,000 for one parent (\$3,000 for two parents) from the amount of the parents' c ountable asset s (step 1). The result is the deemable asset amount.

Divide the deemable asset amount (step 2) by the number of the parents' unmarried children under age 18 in the parents' home who are:
SSI recipients.
Applicants for, or recipients of, MA based on blindness or disability, who also meet both:

The nonfinancial eligibility factors in BEM 155 or 166.Are not Home Care Children (BEM 170) or Children's Waiver (BEM

171).

The result is the amount of assets deemed to the child whose eligibility is being determined. (BEM 400, p.6).

Based upon the abov e Findings of Fact and Conclus ions of Law, and for the reasons stated on the record, the Administrative Law Judge concludes that, due to excess assets, the Department	
☐ properly denied Claimant's application ☐ improperly denied Claimant's application ☐ properly closed Claimant's case ☐ improperly closed Claimant's case	
for:	
DECISION AND ORDER	
The Administrative Law Judge, based upon the above Findings of Fact and Conclusions of Law, and for the reasons stated on the record, finds that the Department \square did act properly. \square did not act properly.	
Accordingly, the Department's \square AMP \square FIP \boxtimes MA \square SDA decision is \square AFFIRMED \boxtimes REVERSED for the reasons stated on the record.	
oxtimes THE DEPARTMENT IS ORDERED TO DO THE FOLLOWING WITHIN 10 DAYS OF THE DATE OF MAILING OF THIS DECISION AND ORDER:	
To apply the policy rules in order to deem the assets properly.	

Michael J. Bennane Administrative Law Judge for Maura Corrigan, Director

for Maura Corrigan, Director Department of Human Services

Date Signed: December 2, 2011

Date Mailed: December 2, 2011

NOTICE: Michigan Administrative Hearing S ystem (MAHS) may order a rehearing or reconsideration on either its own motion or at the request of a par ty within 30 days of the mailing date of this Dec ision and Order. MAHS will not or der a rehearing or 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 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.

Claimant may request a rehearing or reconsideration for the following reasons:

- A rehearing <u>MAY</u> be granted if there is newly discovered evidence that could affect the outcome
 of the original hearing decision.
- A reconsideration **MAY** be granted for any of the following reasons:
 - misapplication of manual policy or law in the hearing decision,
 - typographical errors, mathematical error, or other obvious errors in the hearing decision that effect the substantial rights of the claimant:
 - the failure of the ALJ to address other relevant issues in the hearing decision.

Request must be submitted through the local DHS office or directly to MAHS by mail at Michigan Administrative hearings

Re consideration/Rehearing Request P. O. Box 30639 Lansing, Michigan 48909-07322

MJB/cl

