

STATE OF MICHIGAN
STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES
ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF THE CLAIM OF:



Reg. No.: 20118421
Issue No.: 2014
Case No.: [REDACTED]
Load No.: [REDACTED]
Hearing Date: February 7, 2011
Macomb County DHS

ADMINISTRATIVE LAW JUDGE: Susan C. Burke

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. After due notice, a telephone hearing was held on February 7, 2011. Claimant's representative, [REDACTED], appeared and testified. The Department of Human Services (Department) was represented by [REDACTED], Eligibility Specialist.

ISSUE

Was the Department correct in denying Claimant's Medical Assistance (MA or Medicaid) application due to excess income?

FINDINGS OF FACT

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

1. The Department denied Claimant's MA application on November 3, 2010, stating that the value of countable assets is higher than allowed for the program.
2. On the date of application, Claimant had assets in the amount of \$2,377.55 in her checking account.
3. Claimant requested a hearing, contesting the denial.

CONCLUSIONS OF LAW

The MA program is established by the Title XIX of the Social Security Act and is implemented by Title 42 of the Code of Federal Regulations (CFR). The Department (formerly known as the Family Independence Agency) 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 Program Reference Manual (PRM), which includes the Reference Tables (RFT).

Assets must be considered in determining eligibility. Assets include cash. BEM 400, p. 1.

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. At application, MA is not authorized for future months if the person has excess assets on the processing date. BEM 400, p. 4.

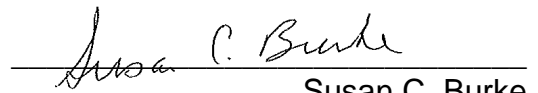
The asset limit for a group of one is \$2,000.00. BEM 400 p. 5.

In the instant case, Claimant's representative does not dispute that on the date of the application, Claimant possessed cash in a checking account in the amount of \$2,377.55, exceeding the asset limit of \$2,000.00. Claimant did have an outstanding medical bill, but that bill had not yet been paid to reduce the amount in the checking account as of the date of the application.

Based on the foregoing analysis, it is determined that the Department has acted in accordance with Department policy and law and was therefore correct in its decision to deny Claimant's MA application.

DECISION AND ORDER

The Administrative Law Judge, based on the above findings of fact and conclusions of law, finds that the Department was correct in its decision to deny Claimant's MA application, and it is, therefore, ORDERED that the Department's decision is AFFIRMED.



Susan C. Burke
Administrative Law Judge
For Maura Corrigan, Director
Department of Human Services

20118421/SCB

Date Signed: February 16, 2011

Date Mailed: February 16, 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.

SCB/hw

cc:

