

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

IN THE MATTER OF:

[REDACTED]

Reg. No: 20118537
Issue No: 2023
Case No: [REDACTED]
Hearing Date: April 13, 2011
Delta County DHS

ADMINISTRATIVE LAW JUDGE: Janice G. Spodarek

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 April 13, 2011.

ISSUE

Did the DHS properly deny claimant's long-term care application filed by the community spouse due to excess assets?

FINDINGS OF FACT

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

1. On October 5, 2010, the community spouse applied for LTC Medicaid on behalf of her husband.
2. The assets verified include: a credit union account verification showing a balance of [REDACTED]; a savings bond totaling [REDACTED]; life insurance totaling [REDACTED]. The verification for the account with the credit union only indicates one day of the month—it is unclear if claimant's asset eligibility could have been triggered in October due to a lower balance.
3. On November 9, 2010, the DHS issued a notice of denial due to excess assets.
4. On November 15, 2010, claimant filed a hearing request.

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).

MA asset limit is found in numerous items. The department's testimony at the administrative hearing was that the asset limit was \$ [REDACTED] in this case. However, the policy the department cited to as authority for the [REDACTED] asset limit did not contain that amount. It is unclear if the asset limit herein is one or two, and the corresponding asset limit [REDACTED] or \$ [REDACTED]

Based upon the record as presented, claimant's assets in this case exceed \$3,000. Thus, based upon either asset amount, claimant was in excess assets.

It is noted that the verification for the credit union did not show an average daily balance. Thus, only one day of the month was looked at in terms of assets for the credit union.

As the case stands, the department correctly denied claimant. The department lists BAM Items 105, 110, 115; BEM Items 163, 164 and 400.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the department's actions were correct.

Accordingly, the department's denial action is UHPELD.

/s/

Janice G. Spodarek
Administrative Law Judge
for Maura D. Corrigan, Director
Department of Human Services

Date Signed: April 19, 2011

Date Mailed: April 19, 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.

JGS/db

cc:

