

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

IN THE MATTER OF:  
Issue

[REDACTED]

Reg. No.: 2011-28385  
No.: 2021  
Case No.: [REDACTED]  
Hearing Date: May 19, 2011  
DHS County: Macomb (36)

**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 held on May 19, 2011. The Claimant was represented by his attorney, [REDACTED]

**ISSUE**

Did the Department of Human Services (Department) properly deny the Claimant's MA application for 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 February 18, 2011, the Department denied the Claimant's MA application finding that his assets were above the \$2,000 limit.
2. On March 14, 2011, the Claimant, through his attorney, filed for a hearing.

**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 (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).

The Department relies on BEM 400, which says in part:

For all other SSI-related MA categories, the asset limit is:

- \$2,000 for an asset group of one.
- \$3,000 for an asset group of two. (BEM 400, pp. 4-5.)

In the instant case, the Claimant owned a home valued in excess of the above asset limit. The record shows that the asset was the Claimant's home before he became ill and went to live with his sister.

**Absent from Homestead**

**SSI-Related MA Only**

Exclude a homestead that an owner formerly lived in if **any** of the following are true:

The owner intends to return to the homestead.

The owner is in an LTC facility, a hospital, an adult foster care (AFC) home or a home for the aged.

A co-owner of the homestead uses the property as his home. (BEM 400, p.21)

Here, the Claimant left his homestead due to illness. The Claimant's attorney stated that the Claimant always has intended to return to his home.

**DECISION AND ORDER**

The Administrative Law Judge, based on the above findings of fact and conclusions of law, **REVERSES AND ORDERS** the Department to accept the Claimant's home as the Claimant's homestead and decide the Claimant's eligibility accordingly.



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Michael J. Bennane  
Administrative Law Judge  
for Maura Corrigan, Director  
Department of Human Services

Date Signed: June 21, 2011

Date Mailed: June 22, 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.

MJB/cl

cc:

