

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 2011-40970
Issue No.: 2021
Case No.: [REDACTED]
Hearing Date: August 22, 2011
DHS County: Macomb (12)

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; M SA 16.437 upon the claimant's request for a hearing. After due notice a telephone hearing was held from Detroit, Michigan on August 22, 2011. The claimant was represented by his Authorized Representative (AR) [REDACTED]

ISSUE

Did the Department of Human Services (Department) properly deny the claimant's MA application 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 February 9, 2009, the claimant filed an application for MA and retroactive MA.
2. On April 20, 2009, the Department denied the claimant's MA application for excess assets.
3. On June 30, 2009, the claimant's AR 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 of Human Services (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 Bridges Reference Manual (BRM).

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. (BEM 400, p. 4).

In the instant case, the claimant's AR testified that on November 24, 2008, the claimant had \$92.00 in one checking account and \$2,639.41 in a second checking account, for a total of \$2,731.41 in both, which is below the \$3,000.00 asset limit. The Department was unable to offer any evidence to the contrary.


This Administrative Law Judge finds that there is enough documentation to require the Department to reregister and recalculate the claimant's assets during the month of November, 2008.

DECISION AND ORDER

The Administrative Law Judge, based on the above findings of fact and conclusions of law, **REVERSES AND ORDERS** the Department to reregister and recalculate the claimant's assets during the month of November, 2008.

Michael
Administrative
for
Department

Date Signed: September 8, 2011
Date Mailed: September 8, 2011



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

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:

