

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 201237888
Issue No.: 2021
Case No.: [REDACTED]
Hearing Date: June 27, 2012
County: Wayne DHS (82)

ADMINISTRATIVE LAW JUDGE: Christian Gardocki

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37 following Claimant's request for a hearing. After due notice, a telephone hearing was held on June 27, 2012 from Detroit, Michigan. Participants on behalf of Claimant included [REDACTED] and [REDACTED]. Participants on behalf of Department of Human Services (DHS) included [REDACTED], Specialist.

ISSUE

The issue is whether DHS properly denied Claimant's application for Medical Assistance (MA) benefits on the basis that Claimant had 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 11/30/11, Claimant applied for MA benefits including a request for retroactive MA benefits from 8/2011-10/2011.
2. Claimant submitted to DHS a checking account statement (Exhibit 2) covering a period of 10/18/11 through 11/15/11.
3. The checking account statement verified a lowest daily balance of \$865.42.
4. On 1/24/12, DHS denied Claimant's MA benefit application on the basis that Claimant had assets which exceeded the MA program's asset limit.
5. On 2/23/12, Claimant requested a hearing to dispute the MA application denials.

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). DHS 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 Reference Tables Manual (RFT).

MA provides medical assistance to individuals and families who meet financial and nonfinancial eligibility factors. The goal of the MA program is to ensure that essential health care services are made available to those who otherwise would not have financial resources to purchase them.

The present case concerns the denial of an application requesting MA benefits. DHS denied the application because Claimant's assets allegedly exceeded the asset limit for MA benefit eligibility. It was not disputed that Claimant's only basis for MA benefit eligibility involved SSI-related MA benefit eligibility.

The SSI-related MA category asset limit is \$2,000 for an asset group of one. BEM 400 at 5. For MA benefits, 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. *Id.* at 4.

DHS determined that Claimant had \$2737.38 in a checking account. The amount was based on an ending balance from a checking account statement covering 10/18/11-11/15/11. The lowest balance verified within the statement period was actually \$865.42, Claimant's account balance as of 10/28/11. DHS responded that the \$2737.38 was the lowest confirmed amount for 11/2011, the month of application, at least through the 11/15/11 date that the submitted statement covered. DHS conceded that they lacked any knowledge whether Claimant had a lower daily balance after 11/15/2011. If DHS was concerned with Claimant's lowest daily balance for 11/2011, DHS would have to specifically request the verification; DHS conceded not making such a request.

Based on the presented evidence, it is found that DHS improperly determined Claimant's checking account assets for purposes of MA benefit eligibility. Accordingly, the DHS denial of Claimant's MA benefit application is found to be improper.

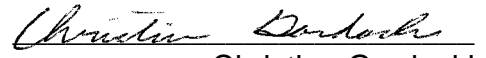
DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that DHS improperly denied Claimant's application dated 11/30/11 for MA benefits. It is ordered that DHS:

- (1) reinstate Claimant's application for MA benefits dated 11/30/11 including Claimant's request for retroactive MA benefits for 8/2011-10/2011;

- (2) process Claimant's MA benefit eligibility subject to the findings that Claimant's checking account was valued at \$865.42; and
- (3) supplement Claimant for any MA benefits not received as a result of the improper denial.

The actions taken by DHS are REVERSED.


Christian Gardocki
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: July 3, 2012

Date Mailed: July 3, 2012

NOTICE: Michigan Administrative Hearing System (MAHS) 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. MAHS 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. (60 days for FAP cases).

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 **MAY** 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 to:

Michigan Administrative Hearings
Reconsideration/Rehearing Request
P. O. Box 30639
Lansing, Michigan 48909-07322

CG/hw

cc:

