

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

IN THE MATTER OF THE CLAIM OF:

[REDACTED]

Reg No.: 2012-40196
Issue No.: 2021
Case No.: [REDACTED]
Hearing Date: June 28, 2012
Oakland County DHS (04)

ADMINISTRATIVE LAW JUDGE: Colleen M. Mamelka

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37 upon the Claimant's request for a hearing. After due notice, a telephone hearing was conducted from Detroit, Michigan on Thursday, June 28, 2012. The Claimant did not appear; however, the Claimant's Authorized Hearing Representatives, [REDACTED], appeared and testified. [REDACTED] appeared on behalf of the Department of Human Services ("Department").

ISSUE

Whether the Department properly denied the Claimant's January 30, 2012 application for Medical Assistance ("MA") benefits 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. The Claimant resides in a long-term care facility.
2. The Claimant submitted an application for MA benefits on January 30, 2012.
3. At the time of application, the Claimant had a life insurance policy with a cash surrender value of \$2,579.60. (Exhibit 2)
4. At the time of application, the Claimant had a checking account, which, after subtracting current income, was a countable asset in the amount of \$289.62. (Exhibit 3)

5. At the time of application, the Claimant had an irrevocable funeral agreement. (Exhibit 4)
6. On February 28, 2012, the Department denied the MA application based on the Claimant's countable assets exceeding the \$2,000.00 applicable asset limit.
7. The Department notified the Claimant of the MA determination.
8. On March 8, 2012, the Department received the timely written request for hearing. (Exhibit 6)

CONCLUSIONS OF LAW

The Medical Assistance program is established by Subchapter XIX of Chapter 7 of The Public Health & Welfare Act, 42 USC 1397, and is administered by the Department pursuant to MCL 400.10 *et seq.* and MCL 400.105. Departmental policies are found in the Bridges Administrative Manual ("BAM"), the Bridges Eligibility Manual ("BEM"), and the Bridges Reference Tables ("RFT").

The goal of the Medicaid program is to ensure that essential health care services are made available to those who otherwise could not afford them. BEM 105. Medicaid is also known as Medical Assistance. BEM 105. The Medicaid program is comprised of several categories; one category is for FIP recipients while another is for SSI recipients. BEM 105. The Medicare Savings Programs are SSI-related MA Categories. BEM 165. The three Medicare Savings Programs are Qualified Medicare Beneficiaries (also known as full-coverage QMB); Specified Low-Income Medicare Beneficiaries (also referred to as limited coverage QMB); and Additional Low-Income Medicare Beneficiaries (also known as ALMB or Q1). BEM 165.

In addition to income, assets are also considered when determining MA eligibility. The application asset limit for MA benefits is \$2,000.00 for an individual, and \$3,000.00 for a group of two. BEM 400. Irrevocable funeral contracts are not counted as an asset. BEM 400.

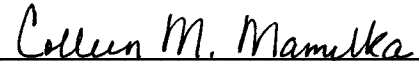
In this case, the Claimant's countable assets, as discussed on the record, for the period at issue were over the applicable \$2,000.00. As such, the Department's denial of MA benefits was correct. Ultimately, the Department established it acted in accordance with Department policy when it denied the Claimant's January 30, 2012 MA application based on excess assets. Accordingly, the Department's MA determination is **AFFIRMED**.

DECISION AND ORDER

The Administrative Law Judge, based on the above findings of fact and conclusions of law finds the Department established it acted in accordance with department policy when it denied the Claimant's January 30, 2012 MA application based on excess assets.

Accordingly, it is ORDERED:

The Department's MA determination is AFFIRMED.



Colleen M. Mamelka

Administrative Law Judge
For Maura Corrigan, Director
Department of Human Services

Date Signed: July 6, 2012

Date Mailed: July 6, 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.

2012-40196/CMM

Request must be submitted through the local DHS office or directly to MAHS by mail at

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

CMM/cl

cc:

