

**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.: 2012-53616
Issue No.: 2021
Case No.: [REDACTED]
Hearing Date: September 12, 2012
Wayne County DHS (82)

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 Wednesday, September 12, 2012. The Claimant resides in a long-term care facility. The Claimant's Authorized Hearing Representative, [REDACTED], appeared and testified. Participating on behalf of the Department of Human Services ("Department") was [REDACTED].

ISSUE

Whether the Department properly denied the Claimant's January 23, 2012 application for Medical Assistance ("MA") benefits for the months of January and February 2012 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 23, 2012.
3. At the time of application, the Claimant's home, valued at [REDACTED], was in a Revocable Living Trust.
4. On [REDACTED], the Register of Deeds recorded a Quit Claim Deed removing the Claimant's home from the Revocable Living Trust. (Exhibit 2)

5. On this same date, the Revocable Trust was dissolved. (Exhibit 3)
6. On March 17, 2012, the Department approved the Claimant for MA benefits effective March 1st.
7. The Department found the Claimant ineligible for MA benefits for January and February 2012 based on excess assets.
8. On May 22, 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 (2010), p. 1. Medicaid is also known as Medical Assistance. BEM 105, p. 1. The Medicaid program is comprised of several categories; one category is for FIP recipients while another is for SSI recipients. BEM 105, p. 1. In addition to income, assets are also considered when determining SSI-related MA eligibility. BEM 400 (2012), p. 4. The applicable asset limit for SSI-related MA benefits is \$2,000.00 for an individual and \$3,000.00 for a group of two. BEM 400, p. 5. A homestead is an excluded asset. BEM 400, p. 26. Assets in a revocable trust are countable for MA purposes. BEM 400, p. 9.

In this case, at the time of application through March 12, 2012, the Claimant’s home was in a Revocable Living Trust. While the home was in the Revocable Living Trust, it was a countable asset for MA purposes. Once the home was transferred out of the Trust, it was excluded as the Claimant’s homestead. The home is valued more than the \$2,000.00 asset limit; therefore, the Department properly determined that the Claimant was not eligible for MA benefits for the months of January and February 2012 due to excess assets. Accordingly, the Department’s 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 MA benefits for the months of January and February 2012 due to excess assets.

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Accordingly, it is ORDERED:

The Department's MA determination is AFFIRMED.

Colleen M. Mamelka

Colleen M. Mamelka
Administrative Law Judge
For Maura Corrigan, Director
Department of Human Services

Date Signed: October 5, 2012

Date Mailed: October 5, 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 at

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

CMM/tm

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cc:

