

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

IN THE MATTER OF:

[REDACTED]

Reg No.: 2012-32530
Issue No.: 2020
Case No.: [REDACTED]
Hearing Date: June 7, 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 Thursday, June 7, 2012. The Claimant resides in a long-term care facility and did not appear; however, [REDACTED] appeared and testified. [REDACTED] appeared on behalf of the Department of Human Services ("Department").

ISSUE

Whether the Department properly denied the Claimant's application for Medical Assistance ("MA") 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 submitted an application for public assistance seeking MA benefits on February 25, 2011.
2. On May 27, 2011, the Department denied the application due to excess assets.
3. The asset at issue was non-homestead property that was in foreclosure.
4. The Claimant was approved for MA benefits as of October 1, 2011.

5. On January 26, 2012, the Department received a written request for hearing reportedly based on a Notice of Case Action date of November 15, 2011.

CONCLUSIONS OF LAW

As preliminary matter, the Department is not disputing the timeliness of the hearing request.

The Medical Assistance (“MA”) program is established by Subchapter XIX of Chapter 7 of The Public Health & Welfare Act, 42 USC 1397, and is administered by the Department of Human Services, formally known as the Family Independence Agency, 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 Tables (“RFT”).

The law provides that disposition may be made of a contested case by stipulation or agreed settlement. MCL 24. 278(2)

In this case, the Department denied the Claimant’s MA application due to excess assets. The asset at issue was non-homestead property that was being foreclosed on. The Notice of Foreclosure is dated May 18, 2011. During the hearing, the Department agreed to determine eligibility from the date the property was no longer an asset of the Claimant based on verifiable documentation provided by the Claimant’s son. All parties were amenable to this resolution. In light of the foregoing, there is no other issue that needs to be resolved.

DECISION AND ORDER

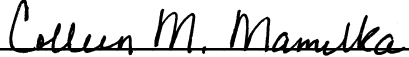
The Administrative Law Judge, based on the above findings of fact and conclusions of law the Department’s actions are not upheld.

Accordingly, it is ORDERED:

1. The Department’s action is not upheld.
2. The Department shall, as agreed, determine MA eligibility from the date that the property at issue was no longer an asset of the Claimant’s in accordance with department policy.
3. The Department shall notify the Claimant of the determination in accordance with department policy.

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4. The Department shall supplement for lost benefits (if any) that the Claimant was entitled to receive if otherwise eligible and qualified in accordance with department policy.


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

Date Signed: June 13, 2012

Date Mailed: June 13, 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

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cc:

