

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

IN THE MATTER OF:

[REDACTED]

Reg No. 2012-425  
Issue No. 2021  
Case No. [REDACTED]  
Hearing Date: November 2, 2011  
Midland County DHS

**ADMINISTRATIVE LAW JUDGE:** Vicki L. Armstrong

**HEARING DECISION**

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37 upon Claimant's request for a hearing. After due notice, a telephone hearing was held on November 2, 2011. Claimant appeared and provided testimony

**ISSUE**

Did the department properly determine Claimant was not eligible for Group 2 Medicaid (MA) based on excess assets?

**FINDINGS OF FACT**

The Administrative Law Judge, based upon the competent, material, and substantial evidence on the whole record, finds as material fact:

1. Claimant was receiving MA at all times pertinent to this hearing.
2. At Claimant's 2011 mandatory redetermination, the department closed her case because her assets totaled [REDACTED]. (Department's Exhibits 1, 8, 10).
3. On September 15, 2011, the department received a timely hearing request from Claimant's disputing the closure.

**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 (DHS or department) administers the MA program pursuant to MCL 400.10, *et seq.*, and MCL 400.105.

Department policies are found in the Bridge Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Reference Tables Manual (RFT).

Assets must be considered in determining eligibility for FIP, SDA, RAPC, LIF, G2U, G2C, SSI-related MA categories, AMP and FAP. FIP, SDA, RAPC, LIF, G2U, G2C and AMP consider only the following types of assets: Cash (which includes savings and checking accounts), Investments, Retirement Plans, and Trusts. Assets mean cash, or any other personal property and real property. BEM 400.

Asset eligibility is required for LIF, G2U, G2C, AMP and SSI-related MA categories. 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. At application, do not authorize MA for future months if the person has excess assets on the processing date. BEM 400. For SSI-related MA, the asset limit for an asset group of one is [REDACTED].

In this case, Claimant's uncontroverted testimony was that the department did not look at her complete checking account statement because they only had one page of three pages as exhibits in the hearing packet. At the close of the hearing, Claimant submitted the entire statement by fax from the department.

The departmental representative, looking only at the one page in the hearing packet, testified that Claimant had a checking account with a beginning balance of [REDACTED] and an ending balance of [REDACTED]. The balance of [REDACTED] was added to value of Claimant's vehicle valued at [REDACTED] for a total of [REDACTED], which was in excess of the [REDACTED] asset limit and Claimant's MA case was closed.

According to policy, asset eligibility exists when the 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.

In this case, Claimant's redetermination was for the month of July 2011. The department closed Claimant's MA case based on the ending balance of [REDACTED]. However, a review of the checking account statement shows that beginning May 17, 2011 through June 1, 2011, Claimant's highest balance was [REDACTED] and her lowest balance was [REDACTED]. Adding the highest balance of [REDACTED] on May 17, 2011 to her automobile valued at [REDACTED] made her countable assets [REDACTED], which was lower than the [REDACTED] asset limit. Therefore, based on the competent, material, and substantial evidence on the whole record, the department improperly closed Claimant's MA case.

