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

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	Reg. No.: Issue No.: Case No.: Hearing Date: County:	2013 24371 2021 May 16, 2013 Wayne (35)
ADMINISTRATIVE LAW JUDGE: Lynn M. Ferris		
HEARING DECIS	<u>SION</u>	
This matter is before the undersigned Administrative and MCL 400.37 following Claimant's request telephone hearing was held on May 16, 2013, from behalf of Claimant included the Claimant. Participe Human Services (Department) included	for a hearing. m Detroit, Michig	After due notice, a gan. Participants on
<u>ISSUE</u>		
Due to excess assets, did the Department proper close Claimant's case for:	ly $oxtimes$ deny the C	laimant's application
<ul> <li>☐ Family Independence Program (FIP)?</li> <li>☐ Medical Assistance (MA)? (MEDICARE COST</li> <li>☐ State Disability Assistance (SDA)?</li> <li>☐ Food Assistance Program (FAP)?</li> </ul>		
FINDINGS OF FA	<u>ACT</u>	

The Administrative Law Judge, based on the competent, material, and substantial evidence on the whole record, including the testimony at the hearing, finds as material fact:

1.	Claimant $\boxtimes$ applied for benefits $\square$ receive	ed benefits for:
	<ul> <li>☐ Family Independence Program (FIP).</li> <li>☑ Medical Assistance (MA).</li> <li>☐ Food Assistance Program (FAP)</li> </ul>	<ul><li>Adult Medical Assistance (AMP).</li><li>State Disability Assistance (SDA).</li></ul>

2.	Due to excess assets, on January 14, 2013, the Department ⊠ denied Claimant's application for the Medicare Cost Savings Program □ closed Claimant's case.
3.	On December 21, 2012, the Department sent  Claimant Claimant's Authorized Representative (AR)  notice of the denial. Closure.
4.	On January 3, 2013, Claimant filed a hearing request, protesting the $\boxtimes$ denial of the application. $\square$ closure of the case.
	CONCLUSIONS OF LAW
	epartment policies are found in the Bridges Administrative Manual (BAM), the Bridges gibility Manual (BEM), and the Reference Tables Manual (RFT).
$\boxtimes$	The Medical Assistance (MA) program is established by the Title XIX of the Social

Additionally, in this case the evidence presented by the Department regarding the Claimant's checking account balance at the time of the application for the Medicare Cost Savings Program demonstrated a lowest daily balance of \$7,390 for November 2012. Exhibit B.

The income limit for this program is established by BEM 400 provides:

For Medicare Savings Programs (BEM 165) the asset limit is \$6,940, effective January 1, 2013. BEM 400, pp 5 (1/1/2013).

Based upon the evidence presented and the applicable policy regarding asset limit for this program it is determined that the Department properly denied the Claimant's application for the Medicare Savings Program.

The Claimant may reapply for this program at any time if her assets are below the \$6,940 limit established by BEM 400.

Based upon the above Findings of Fact and Conclusions of Law, and for the reasons stated on the record, the Administrative Law Judge concludes that, due to excess assets, the Department

<ul> <li>         □ properly denied Claimant's application         □ properly closed Claimant's case         □ improperly closed Claimant's case</li></ul>				
for:				
DECISION AND ORDER				
The Administrative Law Judge, based upon the above Findings of Fact and Conclusions of Law, and for the reasons stated on the record, finds that the Department $\boxtimes$ did act properly. $\square$ did not act properly.				
Accordingly, the Department's ☐ AMP ☐ FIP ☐ FAP ☒ MA ☐ SDA decision is ☒ AFFIRMED ☐ REVERSED for the reasons stated on the record.				

Lynn M. Ferris
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: June 5, 2013

Date Mailed: June 5, 2013

**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 <u>MAY</u> 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 affect the substantial rights of the claimant:
  - failure of the ALJ to address other relevant issues in the hearing decision.

## 2013-24371/LMF

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

## LMF/cl

