

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

**IN THE MATTER OF:**

[REDACTED]

Reg. No.: 2013-22557  
Issue No.: 2021  
Case No.: [REDACTED]  
Hearing Date: [REDACTED]  
County: Kalamazoo DHS

**ADMINISTRATIVE LAW JUDGE:** Kevin Scully

**HEARING DECISION**

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37 following Claimant's request for a hearing. After due notice, a telephone hearing was held on [REDACTED] from Lansing, Michigan. Participants on behalf of Claimant included [REDACTED]. Participants on behalf of Department of Human Services (Department) included [REDACTED].

**ISSUE**

Whether the Department of Human Services (Department) properly denied the Claimant's application for Medical Assistance (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. The Department completed an Initial Asset Assessment and Asset Record on [REDACTED].
2. [REDACTED], the Department received the Claimant's application for Medical Assistance (MA) with retroactive assistance requested through [REDACTED].
3. On [REDACTED], the Department notified the Claimant that his application for Medical Assistance (MA) had been denied due to excess assets.

4. The Department received the Claimant's request for a hearing on [REDACTED], protesting the denial of his Medical Assistance (MA) application.

### **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 Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM), Reference Table Manual (RFT), and the Bridges Reference Manual (BRM).

Countable assets cannot exceed the applicable asset limit. The Medical Assistance (MA) asset limit for a group of two is \$2,000. The Department applies special asset rules for certain married L/H patient. Department of Human Services Bridges Eligibility Manual (BEM) 400 (July 1, 2012), pp 1-5.

An L/H patient is a Medicaid client who was in the hospital and/or long term care facility in a hospital and/or long term care facility (L/H) month. A L/H month is a calendar month containing at least one day that is part of a period in which a person was or is expected to be in a long term care facility and/or hospital for at least 30 consecutive days and no day that the person was a waiver patient. Department of Human Services Bridges Glossary (October 1, 2012).

An initial assessment is needed to determine how much of a couple's assets are protected for the community spouse. The protected spousal amount is the amount of the couple's assets protected for use by the community spouse. Effective January 1, 2012, the protected spousal amount was one-half of the initial asset assessment amounts but not more than \$113,560. Department of Human Services Bridges Eligibility Manual (BEM) 402 (January 1, 2013), pp 6-7.

In this case, the Department completed an Initial Asset Assessment and Asset Record on [REDACTED]. On [REDACTED] 2, the Department received the Claimant's application for Medical Assistance (MA) with retroactive assistance requested through [REDACTED]

On [REDACTED], the Department determined that the Claimant and his spouse had countable assets of [REDACTED], and the protected spousal amount was \$ [REDACTED]. For the month of [REDACTED] the Department determined that the Claimant had countable assets of \$ [REDACTED] which exceeds the asset limit of [REDACTED] after the protected spousal resource amount has been subtracted from countable assets. The Department determined that the Claimant's countable assets exceeded the asset limit for each of the months where retroactive benefits were requested as well.

On [REDACTED], the Department notified the Claimant that his application for Medical Assistance (MA) had been denied due to excess assets.



**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

KS/kl

cc:

