

STATE OF MICHIGAN
STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES
ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF:

[REDACTED]

Reg. No: 2013-32340
Issue No: 2021
Case No: [REDACTED]
Hearing Date: April 23, 2013
Macomb County DHS #12

ADMINISTRATIVE LAW JUDGE: Landis Y. Lain

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 April 23, 2013. Claimant is in Long Term Care. Claimant was represented at the hearing by his Authorized Hearings Representative, [REDACTED] and [REDACTED]. The department was represented by Eligibility Specialist [REDACTED].

ISSUE

Did the Department of Human Services (the department) properly deny claimant's application based upon the fact that they determined that claimant had excess assets for purposes of receipt of Medical Assistance Benefits?

FINDINGS OF FACT

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

- (1) On January 18, 2012, claimant filed an application for Medical Assistance benefits.
- (2) On January 20, 2013 claimant passed away.
- (3) Claimant had assets at the time of his application in the amount of \$ [REDACTED] and was eligible for a Spousal Protected Resource Amount of \$ [REDACTED] leaving him with a total countable resource amount of \$ [REDACTED].
- (4) On February 8, 2013, the department caseworker sent claimant's representative notice that his application was denied based upon possession of excess assets.

- (5) On February 26, 2013, claimant's Authorized Hearings Representative filed a request for a hearing to contest the department's negative action.

CONCLUSIONS OF LAW

The regulations governing the hearing and appeal process for applicants and recipients of public assistance in Michigan are found in the Michigan Administrative Code, MAC R 400.901-400.951. An opportunity for a hearing shall be granted to an applicant who requests a hearing because his or her claim for assistance has been denied. MAC R 400.903(1). Clients have the right to contest a department decision affecting eligibility or benefit levels whenever it is believed that the decision is incorrect. The department will provide an administrative hearing to review the decision and determine the appropriateness of that decision. BAM 600.

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 Program Administrative Manual (PAM), the Program Eligibility Manual (PEM) and the Program Reference Manual (PRM).

In the instant case, the department caseworker conceded on the record that he used the incorrect bank statement in calculating claimant's assets and agreed to recalculate the assets with appropriate information.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that department has conceded on the record that the claimant's asset amount should be recalculated to determine claimant's eligibility or lack thereof for Medical Assistance benefits.

Accordingly, the department's decision is **REVERSED**. The department is ORDERED to reinstate claimant's January 18, 2012 Medical Assistance application and recalculate claimant's assets for purposes of Medical Assistance Eligibility. The department shall notify claimant's Authorized Hearings Representative of his eligibility or lack thereof in writing.

Landis

Y. Lain
Administrative Law Judge
for Maura D. Corrigan, Director
Department of Human Services

Date Signed: April 29, 2013

Date Mailed: April 30, 2013

NOTICE: Administrative Hearings 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. Administrative Hearings 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.

The Claimant may appeal the Decision and Order to Circuit Court within 30 days of the mailing 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.

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