

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

**IN THE MATTER OF:**



Reg. No.: 20135626  
Issue No.: 2021  
Case No.: [REDACTED]  
Hearing Date: March 14, 2013  
County: Macomb 36

**ADMINISTRATIVE LAW JUDGE:** Gary F. Heisler

**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 hearing was held on March 14, 2013. Claimant appeared and testified.

**ISSUE**

Did the Department of Human Services properly deny Claimant's Medical Assistance (MA) re-determination due to 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) On August 29, 2012, Claimant submitted a Redetermination Form (DHS-1010).
- (2) On September 4, 2012, Claimant submitted information for vehicles owned by his benefit group.
- (3) On September 26, 2012, Claimant was sent a Notice of Case Action (DHS-1605) which stated his Medical Assistance (MA) would close on November 1, 2012 due to excess assets.
- (4) On October 1, 2012, Claimant submitted a request for hearing.
- (5) On October 18, 2012, Claimant submitted another request for hearing on "same as before".

**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) and the Program Reference Manual (PRM).

During this hearing the Department presented evidence on the value they had determined for Claimant's vehicles. A discrepancy was discovered between the NADA information presented by the Department (pages 6-8) and the values in the Vehicle Summary print screen submitted into evidence (page 20) and the MA Assets screen prints (pages 21-23). The Department failed in its initial burden of going forward with evidence to show their action is correct in accordance with law and policy. The Department cannot be upheld.

### **DECISION AND ORDER**

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides the Department of Human Services DID NOT properly deny Claimant's Medical Assistance (MA) re-determination due to excess assets.

It is ORDERED that the actions of the Department of Human Services, in this matter, are REVERSED.

It is further ORDERED that Claimant' Medical Assistance (MA) be reinstated back to November 1, 2012 and his eligibility be re-determined in accordance with Department policy.

/s/ \_\_\_\_\_  
Gary F. Heisler  
Administrative Law Judge  
for Maura D. Corrigan, Director  
Department of Human Services

Date Signed: 5/10/13

Date Mailed: 5/13/13

**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.

20135626/GFH

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

GFH/tb

cc:

