

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

**IN THE MATTER OF:**

[REDACTED]

Reg. No: 20137887  
Issue No: 2014, 2021  
Case No: [REDACTED]  
Hearing Date: April 4, 2013  
Macomb County DHS #36

**ADMINISTRATIVE LAW JUDGE:** Suzanne D. Sonneborn

**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 received by the Department of Human Services (department) on October 23, 2012. After due notice, a telephone hearing was held on April 4, 2013 at which Claimant and Claimant's wife, Rose Gjorgjeski, appeared and provided testimony. The department was represented by [REDACTED], an eligibility specialist with the department's Macomb County office.

**ISSUE**

Whether the department properly determined Claimant's Medical Assistance (MA) eligibility?

**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 February 14, 2012, Claimant submitted an application for MA and retroactive MA, seeking medical and retroactive medical assistance coverage for Claimant. (Department Exhibit B)
2. On March 22, 2012, May 29, 2012, and June 15, 2012, the department mailed Claimant Verification Checklists (DHS-3503), requesting that Claimant provide verification of the following: (i) dissolution of business (bakery in Hamtramack) and proof of business gross sales, expenses, and any assets link for November 2011 and any month thereafter; (ii) a copy of titles or registrations for 1995 and 1997 vehicles; (iii) a detailed statement of accessible income from IRA account for the months of November 2011, December 2011, January 2012, and February 2012; (iv) bank statements for all bank accounts from October 2011 through present; (v) real property

purchase date and value from October 2011 through present. (Department Exhibit C)

3. On June 15, 2012, June 26, 2012, and July 3, 2013, the department received some but not all requested verifications from Claimant, including verifications establishing assets in excess of \$ [REDACTED] (Department Exhibits E, G)
4. On July 26, 2012, the department mailed Claimant a Notice of Case Action (DHS 1605), informing Claimant that his MA application was denied because heis assets exceeded the \$ [REDACTED] asset limit for the MA program under department policy, BEM 400. The department further informed Claimant that he had failed to timely provide several requested verifications, specifically regarding his [REDACTED], IRA available balances for designated months, and the vehicle ownership and value of his 1995 vehicle. (Department Exhibits F, G)
5. On October 28, 2012, Claimant submitted a hearing request protesting the Department's denial of Claimant's MA application.

### **CONCLUSIONS OF LAW**

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 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 her claim for assistance is denied. MAC R 400.903(1).

The MA program was established by Title XIX of the Social Security Act and is implemented by Title 42 of the Code of Federal Regulations (CFR). The department administers the MA program pursuant to MCL 400.10, *et seq.*, and MCL 400.105. Department policies for the MA program are contained in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM), the Bridges Reference Manual (BRM), and the Reference Tables Manual (RFT).

The department determines a client's eligibility for MA benefits based on, among other things, the client's assets. BEM 400. Effective October 1, 2011, the MA asset limit for a group size of two is \$3,000. BEM 400, pp. 4-5.

Department policy defines "assets" to mean cash, any other personal property and real property. BEM 400, p. 1. Real property is land and objects affixed to the land such as buildings, trees and fences. Personal property is any item subject to ownership that is not real property, such as currency, savings accounts and vehicles. BEM 400, p. 1.

In this case, Claimant provided the department with some but not all of the verifications requested by the department and the verifications provided included, among other things, a checking account balance and an IRA account balance, the combined total of which exceeded the \$ [REDACTED] asset limit for the MA program, resulting in the department's denial of Claimant's February 14, 2012 application for MA benefits.

At the April 4, 2013 hearing in this matter, Claimant's wife acknowledged that Claimant's assets at the time of application exceeded \$ [REDACTED]. Claimant's wife further acknowledged that she understood that this was the basis for the department's denial of Claimant's application for MA benefits.

Accordingly, this Administrative Law Judge finds that, based on the competent, material and substantial evidence presented during the April 4, 2013 hearing, the department properly denied Claimant's February 14, 2012 application for MA benefits for the reason that Claimant's assets exceed the \$ [REDACTED] limit for the MA program.

### **DECISION AND ORDER**

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the department properly denied Claimant's February 14, 2012 application for MA benefits for the reason that Claimant's assets exceed the \$ [REDACTED] limit for the MA program. Accordingly, the department's actions are **UPHELD**. It is **SO ORDERED**.

/s/

\_\_\_\_\_  
Suzanne D. Sonneborn  
Administrative Law Judge  
for Maura D. Corrigan, Director  
Department of Human Services

Date Signed: April 8, 2013

Date Mailed: April 8, 2013

**NOTICE:** Michigan Administrative Hearings 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 Order. MAHS will not order a rehearing or reconsideration on the Department's motion where the final decision cannot be implemented within 60 days of the filing of the original request.

The Claimant may appeal this Order to Circuit Court within 30 days of the receipt of the 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 errors, or other obvious errors in the hearing decision that affect the substantial rights of 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 System  
Reconsideration/Rehearing Request  
P.O. Box 30639  
Lansing, MI 48909-07322

SDS/cr

cc:

