

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

IN THE MATTER OF:

████████████████████
██
████████████████████
██

Reg. No.: 2013 23325
Issue No.: 2023
Case No.: ██████████
Hearing Date: July 10, 2013
County: Wayne (82)

ADMINISTRATIVE LAW JUDGE: Lynn M. Ferris

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 July 10, 2013, from Detroit, Michigan. Participants on behalf of Claimant included the Claimant's Guardian and daughter, ██████████, and ██████████ who appeared as a witness. Participants on behalf of the Department of Human Services (Department) included ██████████, ES, and ██████████ FIM.

ISSUE

Due to excess assets, did the Department properly deny the Claimant's application close Claimant's case for:

- Family Independence Program (FIP)? Adult Medical Assistance (AMP)?
 Medical Assistance (MA)?
 State Disability Assistance (SDA)?
 Food Assistance Program (FAP)?

FINDINGS OF FACT

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 applied for benefits received benefits for:

- Family Independence Program (FIP). Adult Medical Assistance (AMP).
 Medical Assistance (MA). State Disability Assistance (SDA).
 Food Assistance Program (FAP)

2. Due to excess assets, on August 13, 2012, the Department
 denied Claimant's application the Medical Assistance Program
 closed Claimant's case.
3. On August 13, 2012, the Department sent
 Claimant Claimant's Authorized Representative (AR)
notice of the denial. closure.
4. On December 17, 2012, Claimant filed a hearing request, protesting the
 denial of the application. closure of the case.

CONCLUSIONS OF LAW

Department policies are found in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM), and the Reference Tables Manual (RFT).

The Medical Assistance (MA) program is established by the Title XIX of the Social Security Act and is implemented by Title 42 of the Code of Federal Regulations (CFR). The Department (formerly known as the Family Independence Agency) administers the MA program pursuant to MCL 400.10, *et seq.*, and MCL 400.105.

Additionally, in this case the evidence presented by the Department regarding the Claimant's face cash value of a life insurance policy was established as \$3,856.49. Exhibit 1. The face cash value of the policy was confirmed by the Claimant's Guardian as correct as of the date of the application, August 6, 2012.

The asset limit for this program is established by BEM 400, which provides:

Asset eligibility exists when the asset group's countable assets are less than, or equal to, the applicable asset limit at least one day during the month being tested.

In this case the Claimant's assets at application were \$3856 and exceeded the \$2000 asset limit established for the Medical Assistance program.

For all other SSI-related MA categories, the asset limit is:
\$2,000 for an asset group of one.
\$3,000 for an asset group of two. BEM 400 pp 5. (7/1/12)

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 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

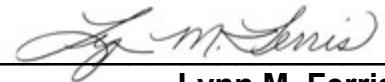
properly denied Claimant's application improperly denied Claimant's application
 properly closed Claimant's case improperly closed Claimant's case

for: AMP FIP FAP MA SDA.

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
 did act properly. 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: July 17, 2013

Date Mailed: July 17, 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 **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,

2013-23325/LMF

- 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.

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

cc:

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