

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 201348620
Issue No.: [REDACTED]
Case No.: [REDACTED]
Hearing Date: July 3, 2013
County: Chippewa

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 July 3, 2013, 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 determined that the Claimant had excess countable assets to receive Medical Assistance (MA) benefits for February of 2013?

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 Claimant applied for Medical Assistance (MA) on February 26, 2013.
2. On March 22, 2013, the Department sent the Claimant a Verification Checklist (DHS-3503) with a due date of April 1, 2013.
3. The Department determined that the Claimant has countable assets in the amount of [REDACTED].
4. The Claimant's bank account was debited for the cost of a pre-paid funeral contract on March 1, 2013.
5. On April 2, 2013, the Department notified the Claimant that it had denied her application for Medical Assistance (MA) because the Claimant's countable assets exceeded the amount allowed by policy.

6. The Department received the Claimant's request for a hearing on April 11, 2013, protesting the denial of her 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).

Assets means cash, any other personal property and real property. Real property is land and objects affixed to the land such as buildings, trees and fences. Condominiums are real property. Personal property is any item subject to ownership that is not real property. Countable assets cannot exceed the applicable asset limit. An asset is countable if it meets the availability tests and is not excluded. Available means that someone in the asset group has the legal right to use or dispose of the asset. Department of Human Services Bridges Eligibility Manual (BEM) 400 (July 1, 2013), pp 1-7.

Cash is a countable asset that includes:

- Money/currency.
- Uncashed checks, drafts and warrants.
- Checking and draft accounts.
- Savings and share accounts.
- Money market accounts.
- LTC patient trust fund and all other money held by the facility for the patient.
- Money held by others.
- Time deposits. BEM 400, p 11.

The value of a cash asset is the amount of the:

- Money/currency.
- Uncashed check, draft or warrant.
- Money in the account or on deposit.
- Money held by others.

- Money held by nursing facilities for residents.
- Money in the Direct Express account. BEM 400, p 12.

In this case, the Claimant applied for Medical Assistance (MA) on February 26, 2013. On March 22, 2013, the Department sent the Claimant a Verification Checklist (DHS-3503). Based on the information supplied by the Claimant, the Department determined that the Claimant had countable assets in the amount of [REDACTED]. On April 2, 2013, the Department notified the Claimant that it had denied her application for Medical Assistance (MA) because the Claimant's countable assets exceeded the amount allowed by policy.

The Claimant's representative argued that funds from the Claimant's account had been spent in February of 2013, and the Department should have not considered his amount a countable asset.

The evidence indicates that the money for the funeral planning was available in the Claimant's bank account until March 1, 2013. Policy includes the value of an uncashed check as a countable asset. Therefore, this Administrative Law Judge finds that the Department properly determined the Claimant's countable assets for February of 2013.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the Department properly determined the Claimant's eligibility for Medical Assistance (MA) based her countable assets as of February of 2013.

The Department's Medical Assistance (MA) eligibility determination is **AFFIRMED**. It is SO ORDERED.

/s/
Kevin Scully
Administrative Law Judge
for Maura D. Corrigan, Director
Department of Human Services

Date Signed: 07/12/2013

Date Mailed: 07/12/2013

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,
 - 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/sw

cc:

