

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

IN THE MATTER OF:



Reg. No.: 2013-40772
Issue No.: 2021
Case No.: [REDACTED]
Hearing Date: July 11, 2013
County: Wayne DHS (18)

ADMINISTRATIVE LAW JUDGE: Christian Gardocki

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 11, 2013, from Detroit, Michigan. Participants included the above-named Claimant. [REDACTED] testified and appeared as Claimant's authorized hearing representative (AHR). Participants on behalf of the Department of Human Services (DHS) included [REDACTED], Specialist, and [REDACTED], Manager.

ISSUE

The issue is whether DHS properly denied Claimant's application for Medical Assistance (MA) benefits due to excess assets.

FINDINGS OF FACT

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

1. In 9/2012, Claimant's savings account balance fluctuated between \$0 and \$16,000.
2. On 12/20/12, Claimant applied for MA benefits, including retroactive MA benefits from 9/2012.
3. Claimant's application listed an authorized representative (AR).
4. On 1/22/13, DHS determined that Claimant had excess assets for MA benefit eligibility.

5. On 2/14/13, DHS mailed Claimant's AR a Facility Admission Notice informing the AR of a denial of MA benefits.
6. On 3/28/13, Claimant's AR (also Claimant's AHR) requested a hearing to dispute the MA application denial.

CONCLUSIONS OF LAW

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 of Human Services (formerly known as the Family Independence Agency) administers the MA program pursuant to MCL 400.10, *et seq.*, and MCL 400.105. DHS regulations are found in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Reference Tables Manual (RFT).

Prior to a substantive analysis of Claimant's hearing request, it should be noted that Claimant's AHR noted special arrangements in order to participate in the hearing; specifically, a three-way (i.e. appearance by telephone) was requested. The AHR's request was granted and the hearing was conducted accordingly.

The present case concerns an MA application denial. It was not disputed that the denial was based on excess assets from Claimant. It was not disputed that DHS determined that Claimant had \$16,000 in cash based on a transaction history of Claimant's savings account (Exhibit 1). The transaction history verified that Claimant's account balance was \$16,370.65 as of 9/3/13 and \$.21 as of 9/4/13.

Assets must be considered in determining eligibility for MA benefits. BEM 400 (1/2013), p. 1. For MA benefits, 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. *Id.*, p. 4.

It was not disputed that Claimant had excess assets for MA as of 9/3/13 but was asset eligible for the remainder of the calendar month. Based on the above policy, it is found that Claimant was asset eligible for 9/2012.

DHS did not present any evidence to justify a determination that Claimant was asset ineligible for any time after 9/2012. Accordingly, the denial of Claimant's MA benefit application was improper.


DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that DHS improperly denied Claimant's application for MA benefits. It is ordered that DHS:

- (1) re-register Claimant's MA benefit application dated 12/20/12, including retroactive MA benefits from 9/2012; and

(2) process Claimant's application subject to the finding that Claimant was asset eligible for MA benefits since 9/2012.

The actions taken by DHS are REVERSED.


Christian Gardocki
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: 7/29/2013

Date Mailed: 7/29/2013

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 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

CG/hw

cc:

