

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

IN THE MATTER OF:

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

Reg. No.: 2013-33578
Issue No.: 2018
Case No.: ██████████
Hearing Date: July 22, 2013
County: Macomb (36)

ADMINISTRATIVE LAW JUDGE: Susan C. Burke

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 hearing was held on July 22, 2013, in Sterling Heights, Michigan. Participants on behalf of Claimant included Claimant and Claimant's Authorized Hearing Representative, Fairuz Azzo. Participants on behalf of the Department of Human Services (Department) included ██████████, AP Supervisor, and Shari Rehs, ES.

ISSUE

Did the Department properly deny Claimant's application for Medical Assistance (MA)?

FINDINGS OF FACT

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

1. Claimant applied for MA benefits for her children.
2. On December 5, 2012, the Department denied Claimant's application for one of her children, based on excess assets.
3. Claimant requested a hearing on February 27, 2013, protesting the denial of the application.
4. At the hearing, Claimant did not deny that at the time of her application, her assets exceeded the applicable MA limit.

CONCLUSIONS OF LAW

Department policies are contained 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 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.

In the present case, Claimant applied for MA for her children. The Department denied Claimant's application for her child, Marcelino Elias, due to excess assets.

Claimant did not deny that her group exceeded the asset limit of \$3,000.00 for the Caretaker Relative MA program. See BEM 400, p. 5.

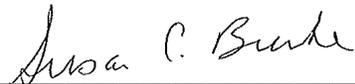
In addition, Claimant did not deny that she did not present actual expenses to the Department with respect to countable income. The Department substantiated that it properly allowed 25 percent of the total proceeds of Claimant's self-employment income to determine income for the Healthy Kids program, pursuant to BEM 502, p.2. Claimant did not deny that based on this calculation, her group exceeded the income limit for the Healthy Kids Program. Claimant's Authorized Hearing Representative indicated that she would assist Claimant in obtaining actual expenses (receipts) to submit to the Department with a new application for MA.

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 the Department properly denied Claimant's application for MA.

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.

Accordingly, the Department's MA decision is AFFIRMED for the reasons stated within the record.



Susan C. Burke
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: August 7, 2013

Date Mailed: August 8, 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 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

SCB/tm

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