

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

IN THE MATTER OF:

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

Reg. No.: 2013-65530
Issue No(s): 2001
Case No.: ██████████
Hearing Date: December 9, 2013
County: Oakland (02)

ADMINISTRATIVE LAW JUDGE: Susan C. Burke

HEARING DECISION

Following Claimant's request for a hearing, this matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and 400.37; 7 CFR 273.15 to 273.18; 42 CFR 431.200 to 431.250; 45 CFR 99.1 to 99.33; and 45 CFR 205.10. After due notice, a hearing was held on December 9, 2013, in Madison Heights, Michigan. Participants on behalf of Claimant included Claimant and Claimant's son ██████████. Participants on behalf of the Department of Human Services (Department) included ██████████, ES.

ISSUE

Did the Department properly close Claimant's Medical Assistance (MA) case 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. On May 1, 2013, the Department re-determined Claimant's MA eligibility.
2. On May 9, 2013, the Department received Claimant's copy of a 1099, showing that Claimant received proceeds from Wayne Hummer Investments in the amount of \$19,073.59 in 2012. (Exhibit 1)
3. Claimant was in an MA group size of two.
4. On May 16, 2013, the Department issued to Claimant a Notice of Case Action, notifying Claimant that his MA case would close, June 1, 2013, due to excess assets.

5. Claimant requested a hearing on August 13, 2013, protesting the Department's action.

CONCLUSIONS OF LAW

Department policies are contained in the Department of Human Services Bridges Administrative Manual (BAM), Department of Human Services Bridges Eligibility Manual (BEM), Department of Human Services Reference Tables Manual (RFT), and Department of Human Services Emergency Relief Manual (ERM).

The Medical Assistance (MA) program is established by the Title XIX of the Social Security Act, 42 USC 1396-1396w-5, and is implemented by 42 CFR 400.200 to 1008.59. The Department of Human Services (formerly known as the Family Independence Agency) administers the MA program pursuant to MCL 400.10 and MCL 400.105.

The asset limit for an MA group of two is \$3,000.00. BEM 400.

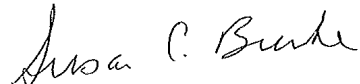
In the present case, the Department re-determined Claimant's MA case on May 1, 2013. Claimant submitted information to the Department showing he received ██████████ in proceeds from a sale of an investment in 2012. The Department closed Claimant's case, effective June 1, 2013, due to excess assets.

During the hearing, Claimant presented a summary with attached documentation showing that he spent the investment proceeds throughout 2012 and 2013. (Exhibit A) However, Claimant did not substantiate through his presented documentation that the remainder of the proceeds was less than ██████████ on the date of the redetermination, May 1, 2013. For instance, Claimant presented receipts for July 2013 and ongoing, which receipts do not assist in showing the proceeds remainder as of May 1, 2013. In addition, Claimant submitted a summary of expenses that included, "Miscellaneous expenses" totaling ██████████. However, Claimant did not submit receipts showing that the miscellaneous expenses were incurred prior to the redetermination date. Based on the information provided, It is logical to conclude that the remainder of the proceeds at the time of the redetermination was in excess of ██████████0.

The Administrative Law Judge, based on the above Findings of Fact and Conclusions of Law, and for the reasons stated on the record, if any, finds that the Department acted in accordance with Department policy when it closed Claimant's MA case due to excess assets.

DECISION AND ORDER

Accordingly, the Department's decision is AFFIRMED.



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

Date Signed: December 27, 2013

Date Mailed: December 27, 2013

NOTICE OF APPEAL: 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 or Reconsideration was made, within 30 days of the receipt date of the Decision and Order of Reconsideration or Rehearing Decision.

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).

A Request for Rehearing or Reconsideration may be granted when one of the following exists:

- Newly discovered evidence that existed at the time of the original hearing that could affect the outcome of the original hearing decision;
- Misapplication of manual policy or law in the hearing decision which led to a wrong conclusion;
- Typographical, mathematical or other obvious error in the hearing decision that affects the rights of the client;
- Failure of the ALJ to address in the hearing decision relevant issues raised in the hearing request.

The Department, AHR or the claimant must specify all reasons for the request. MAHS will not review any response to a request for rehearing/reconsideration. A request must be *received* in MAHS within 30 days of the date the hearing decision is mailed.

The written request must be faxed to (517) 335-6088 and be labeled as follows:
Attention: MAHS Rehearing/Reconsideration Request

If submitted by mail, the written request must be addressed as follows:
Michigan Administrative Hearings
Reconsideration/Rehearing Request
P.O. Box 30639
Lansing, Michigan 48909-07322

SCB/tm

cc: [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]