

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

IN THE MATTER OF:

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██████████████████████████████

Reg. No.: 2013-11336
Issue No.: 2014
Case No.: ██████████
Hearing Date: April 24, 2013
County: Oakland (03)

ADMINISTRATIVE LAW JUDGE: Jan Leventer

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 April 24, 2013, from Detroit, Michigan, before Administrative Law Judge ██████████.

Participants on behalf of Claimant included Catryna Weeks, Manor of Farmington Hills, and Janice Senters, Cigna Collection Health Care Management. The Claimant did not appear. Participants on behalf of the Department of Human Services (Department) included ██████████, Family Independence Manager.

On June 7, 2013, the case was reassigned to Administrative Law Judge ██████████ for preparation of a decision and order.

ISSUE

Did the Department properly approve the Claimant's application close Claimant's case for:

- | | |
|--|---|
| <input type="checkbox"/> Family Independence Program (FIP)? | <input type="checkbox"/> Adult Medical Assistance (AMP)? |
| <input checked="" type="checkbox"/> Medical Assistance (MA)? | <input type="checkbox"/> State Disability Assistance (SDA)? |
| <input type="checkbox"/> Food Assistance Program (FAP)? | |

FINDINGS OF FACT

The Administrative Law Judge, based on 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. On or after August 2, 2011, the Department
 approved Claimant's application. closed Claimant's case.
3. On or after August 2, 2011, the Department sent
 Claimant Claimant's Authorized Representative (AR)
notice of the approval. closure.
4. On October 31, 2012, Claimant filed a hearing request, protesting the
 approval 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, the dispute in this case concerns the appropriate beginning date for Claimant's Medicaid benefits. The Department approved Medicaid benefits for Claimant effective August 1, 2011. The Claimant disputes the August 1, 2011 date, claiming that her MA benefits should begin in 2009.

When Claimant applied for Medicaid she had an asset, a life insurance policy, which caused her to be denied benefits. On August 2, 2011, she disposed of the asset, and as a result the Department awarded her benefits effective August 1, 2011.

Bridges Eligibility Manual (BEM) 400, "Assets," sets forth the policy of the Department with regard to the availability of a customer's assets. BEM 400 states that a customer's assets are available even when the customer is incapacitated and a guardian is being sought. Department of Human Services Bridges Eligibility Manual (BEM) 400 (2013), p. 7.

In this case the facts are that Claimant was incapacitated, and she had an asset, the life insurance policy. At the hearing the Claimant's Authorized Representative testified to the difficulties of obtaining guardianship. The Representative admitted that the asset was still in existence and still belonged to the Claimant.

Applying BEM 400 to the facts of this case, it is found and determined that BEM 400 clearly states that an asset is considered to be available to the Claimant even if guardianship is being sought. *Id.* It is found and determined that the Department acted in accordance with policy and procedure.

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

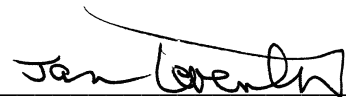
properly approved Claimant's application improperly denied Claimant's application

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.



Jan Leventer
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: June 24, 2013

Date Mailed: June 24, 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

JL/tm

cc: [REDACTED]
[REDACTED]
[REDACTED]
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