

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

IN THE MATTER OF:

[REDACTED]

Reg. No: 201321235

Issue No: 2021

Case No: [REDACTED]

Hearing Date: May 30, 2013

Houghton County DHS

ADMINISTRATIVE LAW JUDGE: Suzanne D. Sonneborn

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37 upon Claimant's request for a hearing received by the Department of Human Services (department) on December 19, 2012. After due notice, a telephone hearing was held on May 30, 2013, at which Claimant appeared and provided testimony. The department was represented by [REDACTED], an assistance payments supervisor, and [REDACTED], an eligibility specialist, both with the department's Houghton County office.

ISSUE

Whether the department properly determined Claimant's Medical Assistance (MA) eligibility?

FINDINGS OF FACT

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

1. On April 30, 2012, Claimant applied for MA benefits and, in doing so, reported having real property assets valued at \$28,000.00. (Department Exhibits 1, 2, 3)
2. On September 20, 2012, the department mailed Claimant a Notice of Case Action (DHS 1605), informing Claimant that his MA application was denied because his assets exceeded the \$3,000.00 asset limit for the MA program under department policy, BEM 400. (Department Exhibit 5)
3. On December 14, 2012, Claimant submitted a hearing request protesting the Department's denial of Claimant's MA application.

CONCLUSIONS OF LAW

Clients have the right to contest a department decision affecting eligibility or benefit levels whenever it is believed that the decision is incorrect. The department will provide an administrative hearing to review the decision and determine the appropriateness of that decision. Department of Human Services Bridges Administrative Manual (BAM) 600 (2011), p. 1. The regulations governing the hearing and appeal process for applicants and recipients of public assistance in Michigan are found in sections 400.901 to 400.951 of the Michigan Administrative Code (Mich Admin Code). An opportunity for a hearing shall be granted to an applicant who requests a hearing because his claim for assistance is denied. Mich Admin Code R 400.903(1).

The Medical Assistance (MA) program was 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) and the Program Reference Manual (PRM).

The Adult Medical Program (AMP) was established by Title XXI of the Social Security Act; (1115)(a)(1) of the Social Security Act, and is administered by the Department of Human Services (DHS or department) pursuant to MCL 400.10, *et seq.* Department policies are contained in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM), the Bridges Reference Manual (BRM), and the Reference Tables Manual (RFT).

The department determines a client's eligibility for MA benefits based on, among other things, the client's assets. BEM 400. The asset limit for the AMP is \$3,000. BEM 400, pp. 4-5.

Department policy defines "assets" to mean cash, any other personal property and real property. BEM 400, p. 1. Real property is land and objects affixed to the land such as buildings, trees and fences. Personal property is any item subject to ownership that is not real property, such as currency, savings accounts and vehicles. BEM 400, p. 1.

In this case, the department processed Claimant's August 10, 2012 application for MA benefits and, because Claimant reported having real property assets valued at \$28,000.00, the department determined that Claimant's total countable assets for purposes of the MA program exceeded the \$3,000.00 asset limit for the MA program, resulting in the department's denial of Claimant's application for MA benefits due to excess assets.

At the May 30, 2013 hearing in this matter, Claimant did not disagree with the fact that he owned real property valued at \$28,000.00 at the time of his application for MA benefits.

Accordingly, this Administrative Law Judge finds that, based on the competent, material and substantial evidence presented during the May 30, 2013 hearing, the department properly determined Claimant's MA eligibility in that the department properly concluded that Claimant's assets exceed the \$3,000.00 limit for the MA program.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the department properly determined Claimant's MA eligibility. Accordingly, the department's actions are **UPHELD**. It is SO ORDERED.

/s/_____

Suzanne D. Sonneborn
Administrative Law Judge
for Maura D. Corrigan, Director
Department of Human Services

Date Signed: May 30, 2013

Date Mailed: May 31, 2013

NOTICE: Michigan Administrative Hearings 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 Order. MAHS will not order a rehearing or reconsideration on the Department's motion where the final decision cannot be implemented within 60 days of the filing of the original request.

The Claimant may appeal this Order to Circuit Court within 30 days of the receipt of the 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 errors, or other obvious errors in the hearing decision that affect the substantial rights of Claimant;
 - The failure of the ALJ to address other relevant issues in the hearing decision.

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Request must be submitted through the local DHS office or directly to MAHS by mail at:

Michigan Administrative Hearings System
Reconsideration/Rehearing Request
P.O. Box 30639
Lansing, MI 48909-07322

SDS/aca

cc:

