

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 2013-49433
Issue No.: 2021
Case No.: [REDACTED]
Hearing Date: August 1, 2013
County: Wayne DHS (31)

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 August 1, 2013, from Detroit, Michigan. Participants included the above-named claimant, [REDACTED] Claimant's daughter, testified on behalf of Claimant. Participants on behalf of Department of Human Services (DHS) included [REDACTED]

ISSUE

The issue is whether DHS properly terminated Claimant's Medical Assistance (MA) eligibility 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. Claimant was an ongoing MA benefit recipient.
2. On an unspecified date, Claimant submitted a checking account statement to DHS
3. Claimant's statement verified an account balance of \$ [REDACTED]
4. On May 15, 2013, DHS initiated termination of Claimant's MA benefit eligibility, effective June, 2013, due to excess assets.
5. On May 21, 2013, Claimant requested a hearing to dispute the MA benefit termination.

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).

Claimant requested a hearing to dispute a termination of MA benefits. It was not disputed that the termination was based on excess assets by Claimant.

It was not disputed that Claimant, as an aged and/or disabled individual, was potentially eligible only for SSI-related MA benefits. The SSI-related MA category asset limit is \$ [REDACTED] for a benefit group of one. BEM 400 (1/2013), p. 5.

It was not disputed that Claimant submitted a bank account statement verifying a balance of \$ [REDACTED]. Consideration was given to whether DHS properly factored the lowest account balance for Claimant. 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. 5. During the hearing, Claimant was given an opportunity to examine the statement to determine if the lowest account balance was factored. It was not disputed that the statement presented by Claimant failed to verify a lower balance than what was budgeted by DHS.

Claimant testified that she had more money than usual because she was saving money to repair her house. DHS policy allows an asset exception for monies received for damage to a house (e.g. insurance payments) under some circumstances (see *Id.*, p. 13). There is no apparent asset exclusion for saved monies intended for house repairs.

Consideration was also given to excluding part of the assets due to Claimant's \$ [REDACTED] month income. DHS is to not count funds treated as income by a program as an asset for the same month for the same program. *Id.*, p. 15. Thus, even if DHS excluded \$ [REDACTED] from the determination, Claimant's countable assets would still exceed the \$ [REDACTED] asset limit.

Based on the presented evidence, it is found that DHS properly terminated Claimant's MA benefit eligibility due to excess assets. As discussed during the hearing, Claimant may reapply any time for a new benefit determination.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that DHS properly terminated Claimant's MA benefit eligibility, effective 6/2013. The actions taken by DHS are **AFFIRMED**.



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

Date Signed: August 23, 2013

Date Mailed: August 23, 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 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

CG/hj

cc:

