

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

IN THE MATTER OF:

[REDACTED]

Reg. No: 2013-8924  
Issue No: 2018  
Case No: [REDACTED]  
Hearing Date: January 31, 2013  
Jackson County DHS

**ADMINISTRATIVE LAW JUDGE:** Vicki L. Armstrong

**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. After due notice, a telephone hearing was held on January 31, 2013. Claimant personally appeared and provided testimony. Representatives who appeared on behalf of the department were Assistant Payment Supervisor [REDACTED] and Eligibility Specialist [REDACTED].

**ISSUE**

Whether the department properly denied Claimant's Medical Assistance Program (MA) application?

**FINDINGS OF FACT**

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

1. Claimant applied for MA/Retro-MA on April 2, 2012.
2. On June 7, 2012, the department mailed Claimant a Verification Checklist requesting verification of assets.
3. On June 28, 2012, an Initial Asset Assessment was completed for Claimant which allowed for a Protected Resource Amount/Protected Spousal Amount of \$ [REDACTED] which allows for a total asset limit of \$ [REDACTED].
4. On July 12, 2012, the department mailed Claimant a Notice of Case Action, informing Claimant that the application for MA and Retro-MA dated April 2, 2012 was denied due to excess assets in the amount of \$ [REDACTED] for March, 2012 and \$ [REDACTED] for the month of April, 2012.

5. Claimant submitted a hearing request on October 4, 2012, contesting the department's failure to inform her of how to spend excess assets so Claimant's application could have been approved for MA and Retro-MA back to March, 2012. (Request for a Hearing).

### **CONCLUSIONS OF LAW**

The regulations governing the hearing and appeal process for applicants and recipients of public assistance in Michigan are found in the Michigan Administrative Code, MAC R 400.901-400.951. An opportunity for a hearing shall be granted to an applicant who requests a hearing because his claim for assistance is denied. MAC R 400.903(1).

Clients have the right to contest a department decision affecting eligibility or benefit levels whenever it is believed that the decision is incorrect. BAM 600. The department will provide an administrative hearing to review the decision and determine the appropriateness. BAM 600.

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.

The standard of promptness (SOP) is the maximum time allowed to complete a required case action. Cases should be processed as quickly as possible. The standard of promptness sometimes varies by program. BAM 220. For the Medicaid program, the department has 45 days to approve or deny an MA application. BAM 115, p 13. That timeframe is extended to 90 days for disability cases.

Claimant argues that she was not given the information on how to spend down her assets until July 16, 2012, and if she had been told earlier she could have spent the money back in April or May, 2012.

Pursuant to departmental policy, the local office is not expected to provide estate planning advice, funeral planning advice, or determine the effect of eligibility of proposed financial arrangements such as a proposed trust. BAM 105, p 9 (12/1/2011).

### **DECISION AND ORDER**

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the department properly denied Claimant's MA/Retro-MA application.

Accordingly, the department's actions are **UPHELD**.

It is SO ORDERED.

/s/

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Vicki L. Armstrong  
Administrative Law Judge  
for Maura Corrigan, Director  
Department of Human Services

Date Signed: February 28, 2013

Date Mailed: March 1, 2013

**NOTICE:** Administrative Hearings 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. Administrative Hearings 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 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

VLA/las

cc:

