

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 14-001607
Issue No.: 2001
Case No.: [REDACTED]
Hearing Date: June 11, 2014
County: Eaton County DHS

ADMINISTRATIVE LAW JUDGE: Kevin Scully

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 telephone hearing was held on June 11, 2014, from Lansing, Michigan. Participants on behalf of Claimant included [REDACTED], [REDACTED], and the Claimant's authorized hearings representative [REDACTED]. Participants on behalf of the Department of Human Services (Department) included [REDACTED].

ISSUE

Did the Department properly deny the Claimant's Medical Assistance (MA) application?

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 January 9, 2014, the Claimant applied for Medical Assistance (MA).
2. The Claimant provided verification of bank accounts that list him as the joint owner along with his mother.
3. On February 3, 2014, the Department denied the Claimant's Medical Assistance (MA) application.
4. On April 11, 2014, the Claimant submitted additional documentation concerning the bank accounts.
5. On April 23, 2014, the Department received the Claimant's request for a hearing protesting the denial of his Medical Assistance (MA) application.

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 Title XIX of the Social Security Act, 42 USC 1396-1396w-5; 42 USC 1315; the Affordable Care Act of 2010, the collective term for the Patient Protection and Affordable Care Act, Pub. L. No. 111-148, as amended by the Health Care and Education Reconciliation Act of 2010, Pub. L. No. 111-152; and 42 CFR 430.10-.25. The Department (formerly known as the Family Independence Agency) administers the MA program pursuant to 42 CFR 435, MCL 400.10, and MCL 400.105-.112k.

Assets means cash, any other personal property and real property. Real property is land and objects affixed to the land such as buildings, trees and fences. Condominiums are real property. Personal property is any item subject to ownership that is not real property. Countable assets cannot exceed the applicable asset limit. An asset is countable if it meets the availability tests and is not excluded. Available means that someone in the asset group has the legal right to use or dispose of the asset. Department of Human Services Bridges Eligibility Manual (BEM) 400 (October 1, 2013), pp 1-7.

On January 9, 2014, the Claimant applied for Medical Assistance (MA) and provided documentation showing that he is a joint owner of bank accounts along with his mother. The Department determined that the cash value of these bank accounts was a countable asset and on February 3, 2014, the Department notified the Claimant that it had denied his application for Medical Assistance (MA).

The Claimant did not dispute that the value of the bank accounts would make him ineligible for Medical Assistance (MA) if considered countable assets, but argued that these assets are not available to him. The Claimant and his mother testified that the funds deposited in these bank accounts are owned solely by the Claimant's mother, and that the Claimant is only authorized to make withdrawals from her accounts as directed by the mother, and only for the benefit of his mother.

The Claimant, his mother, and other interested parties signed an affidavit on February 26, 2014, that states "All funds with Juanita Rose's name on the accounts held at Edward Jones and Lansing Federal Credit Union are to be used for her care only."

The Claimant has the burden of establishing eligibility to receive benefits. Based on the evidence available on the record as a whole, this Administrative Law Judge finds that the Claimant has failed to establish that the funds in bank accounts that list him as joint owner are not available to him. Despite the fact that his mother trusts him not to take advantage of his access to these funds for his own purposes, the Claimant retains the legal right to use or dispose of these assets. Since the funds in these bank accounts

are available to him and are not excludable by policy, they are considered countable assets.

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 was acting in accordance with policy when it determined that the Claimant is not eligible for the Medical Assistance (MA) program because his countable assets exceed the limit allowable by policy.

DECISION AND ORDER

Accordingly, the Department's decision is **AFFIRMED**.



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

Date Signed: **6/19/2014**

Date Mailed: **6/19/2014**

KS / hj

NOTICE OF APPEAL: A party may appeal this Hearing Decision in the circuit court in the county in which he/she resides, or the circuit court in Ingham County, within 30 days of the receipt date.

A party may request a rehearing or reconsideration of this Hearing Decision from the Michigan Administrative Hearing System (MAHS) within 30 days of the mailing date of this Hearing Decision, or MAHS may order a rehearing or reconsideration on its own motion.

MAHS may grant a party's Request for Rehearing or Reconsideration 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 party requesting a rehearing or reconsideration 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 this Hearing Decision is mailed.

A written request may be faxed or mailed to MAHS. If submitted by fax, 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

cc:

