

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 14-000678
Issue No.: 2001, 3001, 4001;5001
Case No.: [REDACTED]
Hearing Date: May 22, 2014
County: Berrien

ADMINISTRATIVE LAW JUDGE: Darryl T. Johnson

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 three-way telephone hearing was held on May 22, 2014, from Lansing, Michigan. Participants on behalf of Claimant included Claimant's wife and Authorized Hearing Representative [REDACTED]. Participants on behalf of the Department of Human Services (Department) included Family Independence Manager [REDACTED] who facilitated the hearing for Berrien County. Kent County Hearings Facilitator [REDACTED] Family Independence Manager [REDACTED], and Eligibility Specialist [REDACTED] participated.

ISSUE

Due to excess assets, did the Department properly deny Claimant's application for State Disability Assistance (SDA), Food Assistance Program (FAP) and Medical Assistance (MA)?

FINDINGS OF FACT

The Administrative Law Judge, based on the competent, material, and substantial evidence on the whole record, including the testimony at the hearing, finds as material fact:

1. Claimant applied for FAP, MA, SDA and SER benefits.
2. Due to excess assets, on March 20, 2014, the Department denied Claimant's application.
3. On March 20, 2014, the Department sent Claimant/Claimant's Authorized Representative (AR) its decision.

4. On March 31, 2014, the Department received Claimant's hearing request, protesting the Department's actions.

CONCLUSIONS OF LAW

Department policies are found 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 Food Assistance Program (FAP) [formerly known as the Food Stamp program] is established by the Food Stamp Act of 1977, as amended, 7 USC 2011 to 2036a and is implemented by the federal regulations contained in 7 CFR 273. The Department (formerly known as the Family Independence Agency) administers FAP pursuant to MCL 400.10, the Social Welfare Act, MCL 400.1-.119b, and Mich Admin Code, R 400.3001 to .3015.

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.

The State Disability Assistance (SDA) program is established by the Social Welfare Act, MCL 400.1-.119b. The Department of Human Services (formerly known as the Family Independence Agency) administers the SDA program pursuant to 42 CFR 435, MCL 400.10 and Mich Admin Code, R 400.3151-.3180.

The State Emergency Relief (SER) program is established by the Social Welfare Act, MCL 400.1-.119b. The SER program is administered by the Department (formerly known as the Family Independence Agency) pursuant to MCL 400.10 and Mich Admin Code, R 400.7001 through R 400.7049.

Additionally, Claimant and his wife make up a group of two. They own a home, and they own at least three other parcels of real estate. They had purchased the other real estate at tax sales, hoping it would provide them with a place where they could live where they would not have to continue making their mortgage payments. The other parcels have been most recently assessed with State Equalized Values of \$ [REDACTED] and \$ [REDACTED] resulting in a presumed cash value of the three parcels at \$ [REDACTED]

Program eligibility is limited to applicants whose income and assets are below set limits. The goal of the Medicaid program is to ensure that essential health care services are made available to those who otherwise could not afford them. Medicaid is also known

as Medical Assistance (MA). The local office is responsible for determining a Client's eligibility, calculating their level of benefits and protecting their rights. BAM 105.

Per BEM 400, p. 7, the MA limit is \$2,000 for an individual and \$3,000 for a couple. Because the group has non-homestead real estate valued at \$ [REDACTED] the Department correctly concluded that the Claimant's assets exceeded the allowable limit.

Per ERM 205, "The SER group must use countable cash assets to assist in resolving their emergency. The protected cash asset limit is \$50. **Exclude the first \$50 of an SER group's cash assets.** The amount in excess of the protected cash limit is deducted from resolving the cost of the emergency and is called the asset copayment." (Emphasis in original.) "SER groups with only one member have a \$1750 non-cash asset limit. SER groups with two or more members have a \$3000 non-cash asset limit." Claimant exceeded the non-cash limit for SER.

Claimant also receives income. He has unearned income from a pension (\$ [REDACTED] per month – Exhibit 1 Page 24) and RSDI (\$ [REDACTED] per month – Exhibit 1 Page 45) totaling \$ [REDACTED]. The income limit for SER is \$500 per month for a group of two. ERM 206, p 6 (10/1/13). The income limit for FAP is \$ [REDACTED] per month for a group of two. RFT 250 (12/1/13).

Because Claimant's income and assets exceed the applicable policy limits, he is not eligible to receive benefits from any of the programs.

The Administrative Law Judge, based upon the above Findings of Fact and Conclusions of Law, and for the reasons stated on the record, if any, finds that the Department acted in accordance with Department policy when it denied Claimant's application for SER, FAP, MA and SDA benefits.

DECISION AND ORDER

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



Darryl T. Johnson
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: **5/23/2014**

Date Mailed: **5/23/2014**

DTJ/las

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:

