



RICK SNYDER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
MICHIGAN ADMINISTRATIVE HEARING SYSTEM
Christopher Seppanen
Executive Director

SHELLY EDGERTON
DIRECTOR

[REDACTED]

Date Mailed: June 24, 2016
MAHS Docket No.: 16-005607
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Gary Heisler

HEARING DECISION

Following Petitioner'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; and Mich Admin Code, R 792.11002. After due notice, a telephone hearing was held on June 7, 2016, from Lansing, Michigan. Petitioner was represented by her authorized hearing representative [REDACTED] is the accounts receivable manager at [REDACTED] [REDACTED] where Petitioner was a resident. Hearing Facilitator [REDACTED] and Assistance Payments Supervisor [REDACTED] appeared for the Department and testified. Department's Exhibit A, pages 1-10 was admitted into evidence.

ISSUE

Did the Department properly deny Petitioner's November 30, 2015 application for Medical Assistance (MA) Long Term Care (LTC) benefits?

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 November 30, 2015, an application for Medical Assistance (MA) Long Term Care (LTC) benefits was submitted for Petitioner. The application include an application for retroactive benefits.
2. On December 7, 2015, the [REDACTED] Revocable Trust executed a [REDACTED] transferring real property to [REDACTED].
3. On January 8, 2016, a Verification Checklist (DHS-3503) was issued requesting verification of Petitioner's checking account, savings account, and pension income.

4. On January 19, 2016 another Verification Checklist (DHS-3503) was issued requesting verification of Petitioner's life insurance policy and a trust in Petitioner's name. The verifications were due on January 29, 2016.
5. On February 2, 2016, the Department had not received any information about the trust in Petitioner's name. A Health Care Coverage Determination Notice (DHS-1606) was issued stating that Petitioner's LTC application was denied for failure to provide required verifications.
6. On April 25, 2016, Petitioner submitted a hearing request.

CONCLUSIONS OF LAW

Department policies are contained in the Department of Health and Human Services Bridges Administrative Manual (BAM), Department of Health and Human Services Bridges Eligibility Manual (BEM), Department of Health and Human Services Reference Tables Manual (RFT), and Department of Health and 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 Department of Human Services) administers the MA program pursuant to 42 CFR 435, MCL 400.10, and MCL 400.105-.112k.

The question of a trust in Petitioner's name was raised by a [REDACTED] executed on December 7, 2015. (Department's Exhibit A page 10). The deed transfers real property from the [REDACTED] [REDACTED] to [REDACTED]. During this hearing the authorized hearing representative testified that he asked Petitioner about a trust and was told that there had been one in the past but not anymore. The authorized hearing representative also testified that Petitioner is no longer a resident at [REDACTED] [REDACTED].

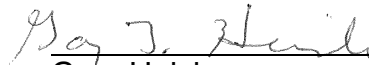
The [REDACTED] shows that the [REDACTED] [REDACTED] was still in existence on December 7, 2015 and owned at least, the real property which was transferred. Verification of the value in the trust was required verification for determining Petitioner's LTC eligibility for the November 30, 2015 application. Bridges Eligibility Manual (BEM) 130 Verification and Collateral Contacts, at page 8 provides that a Medical Assistance (MA) case action is sent when the time period for requested verifications has elapsed, and the verifications have not been provided.

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 acted in accordance with Department policy when it denied Petitioner's November 30, 2015 application for Medical Assistance (MA) Long Term Care (LTC) benefits.

DECISION AND ORDER

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

GH/nr



Gary Heisler
Administrative Law Judge
for Nick Lyon, Director
Department of Health and Human Services

NOTICE OF APPEAL: A party may appeal this Order in circuit court within 30 days of the receipt date. A copy of the circuit court appeal must be filed with the Michigan Administrative Hearing System (MAHS).

A party may request a rehearing or reconsideration of this Order if the request is received by MAHS within 30 days of the date the Order was issued. The party requesting a rehearing or reconsideration must provide the specific reasons for the request. MAHS will not review any response to a request for rehearing/reconsideration.

A written request may be mailed or faxed to MAHS. If submitted by fax, the written request must be faxed to (517) 335-6088; 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 48909-8139

DHHS

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Authorized Hearing Rep.

[REDACTED]

Petitioner

[REDACTED]