



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: September 26, 2016
MAHS Docket No.: 16-012079
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Susanne E. Harris

HEARING DECISION

Following the 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 September 22, 2016, from Lansing, Michigan. The Petitioner, [REDACTED], appeared and testified. The Department of Health and Human Services (Department) was represented by Eligibility Specialist, [REDACTED].

PROCEDURAL HISTORY

On September 14, 2016, the Michigan Administrative Hearing System received the Department's request for adjournment in this matter. On September 19, 2016, Administrative Law Judge Marya Nelson-Davis issued an Order Denying Request for Adjournment. The hearing proceeded as originally scheduled. The record closed at the conclusion of the hearing. The following documents were offered and admitted into evidence:

Department: A--Bridges Asset Details screenshot.
B--Bridges Medical Assistance (MA) Assets screenshot.
C--August 3, 2016, Health Care Coverage Determination Notice.

Petitioner: None.

ISSUE

Did the Department properly take action to deny the Petitioner's application for MA 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 July 20, 2016, the Petitioner filed an Assistance Application for MA.
2. Subsequent to the filing of the application, the Department determined that the Petitioner had total countable assets of [REDACTED].
3. On August 3, 2016, the Department sent the Petitioner a Health Care Coverage Determination Notice informing the Petitioner that he had excess assets to be eligible for MA.
4. On August 18, 2016, the Department received the Petitioner's written hearing request protesting the denial of his application for MA.

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.

Bridges Eligibility Manual (BEM) 400 (2016) p. 1, provides that assets must be considered in determining eligibility for benefits. Assets is defined as cash, personal property or real property. An asset is countable if it meets the availability tests and is **not** excluded. p. 2. The asset limit for SSI-related MA is [REDACTED] for an asset group of one and [REDACTED] for an asset group of two.

In this case, the uncontested fact was that the Petitioner has an IRA valued at [REDACTED] and that the Petitioner can access these funds with no penalties for early withdrawal. During the hearing, the Petitioner was informed of the departmental policy and expressed that it was confusing to him. The Petitioner did not contest that he had in excess of [REDACTED] in assets. As such, the evidence establishes that the Department was acting in accordance with departmental policy when determining that the Petitioner has excess assets to be eligible for MA.

DECISION AND ORDER

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 took action to deny the Petitioner's application for MA.

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



SH/nr

Susanne E. Harris
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]

Petitioner

[REDACTED]