



RICK SNYDER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
MICHIGAN ADMINISTRATIVE HEARING SYSTEM

SHELLY EDGERTON
DIRECTOR



Date Mailed: September 19, 2017
MAHS Docket No.: 17-008547
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Aaron McClintic

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; 42 CFR 438.400 to 438.424; 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 August 24, 2017, from Lansing, Michigan. Petitioner was represented by her nephew and Power of Attorney [REDACTED]. The Department of Health and Human Services (Department) was represented by [REDACTED], Family Independence Manager. [REDACTED], Eligibility Specialist, also appeared for the Department. Department Exhibit 1, pp. 1-23 was received and admitted.

ISSUE

Did the Department properly deny Petitioner's Medical Assistance (MA) application due to excess assets?

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 March 14, 2017, Petitioner applied for Medical Assistance.
2. On April 10, 2017, a Verification Checklist was sent to Petitioner requesting income and asset information.
3. On April 17, 2017, verifications were returned.
4. On April 28, 2017, a Health Care Coverage Determination was issued denying MA due to excess assets for the time period between March 1, 2017, through March 31, 2017, due to the home being held within a trust. (Ex. A, pp. 20-23)

5. On June 20, 2017, Petitioner requested hearing disputing the denial due to excess assets.

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.

In this case, Petitioner held her home in a trust which made the asset countable for the purposes of Medicaid eligibility. The value of the home caused Petitioner to be excess assets for Medicaid. BEM 400

Petitioner's Power of Attorney [REDACTED] questioned why he was not informed more promptly that there was an issue with Petitioner's home being held in her trust. [REDACTED] stated that the proper questions were not asked from day 1. The Department has no duty to illicit information regarding every circumstance that an applicant may be in. There may have been a reason why Petitioner held her home in a trust independent of her potential eligibility for Medicaid. The Department made an eligibility determination based on Petitioner's circumstances and they did so in a timely manner consistent with Department policy. BEM 400 BAM 115

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 MA application due to excess assets.

DECISION AND ORDER

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

AM/md



Aaron McClintic

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]

Authorized Hearing Rep.

[REDACTED]

Petitioner

[REDACTED]