



RICK SNYDER  
GOVERNOR

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

SHELLY EDGERTON  
DIRECTOR



Date Mailed: April 18, 2017  
MAHS Docket No.: 17-002532  
Agency No.: [REDACTED]  
Petitioner: [REDACTED]

**ADMINISTRATIVE LAW JUDGE:** Kevin Scully

### **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. After due notice, telephone hearing was held on March 28, 2017, from Lansing, Michigan. The Petitioner was represented by her attorney [REDACTED] [REDACTED] [REDACTED] testified on Petitioner's behalf. The Department was represented by Assistant Attorney General [REDACTED] [REDACTED] Eligibility Specialist, and [REDACTED] Family Independence Manager, testified on behalf of the Department.

### **ISSUE**

Did the Department of Health and Human Services (Department) properly deny Petitioner's application for Medical Assistance (MA)?

### **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 3, 2017, the Department received Petitioner's application for Medical Assistance (MA) requesting Long Term Care (LTC) benefits. Exhibit A, pp 1-4.
2. Petitioner reported his marital status as separated. Exhibit A, p 1.
3. On January 18, 2017, the Department sent Petitioner a Verification Checklist (DHS-3503) requesting verification of countable assets including the countable assets of his wife by January 30, 2017. Exhibit A, pp 6-7.
4. On February 1, 2017, the Department notified Petitioner that his Medical Assistance (MA) application had been denied. Exhibit A, pp 8-9.

5. On February 17, 2017, the Department received Petitioner'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 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).

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 (January 1, 2017), pp 1-7.

Clients must cooperate with the local office in determining initial and ongoing eligibility and this includes the completion of necessary forms. Department of Human Services Bridges Assistance Manual (BAM) 105 (October 1, 2016), p 8.

Verification means documentation or other evidence to establish the accuracy of the client's verbal or written statements. Verification is usually required at application/redetermination and for a reported change affecting eligibility or benefit level when it is required by policy, required as a local office option, or information regarding an eligibility factor is unclear, inconsistent, incomplete, or contradictory. The Department uses documents, collateral contacts, or home calls to verify information. A collateral contact is a direct contact with a person, organization, or agency to verify information from the client. When documentation is not available, or clarification is needed, collateral contact may be necessary. Department of Human Services Bridges Assistance Manual (BAM) 130 (January 1, 2016), pp 1-9.

On January 3, 2017, the Department received Petitioner's application for MA benefits and requesting LTC benefits. Petitioner reported that he is married on his application for benefits. On January 18, 2017, the Department sent Petitioner a Verification Checklist (DHS-3503) requesting, among other things, verification of spousal assets by January 30, 2017. On February 1, 2017, the Department had not received the information necessary to make an accurate determination of Petitioner's eligibility for MA benefits and it denied the application.

Petitioner does not dispute that he is currently married and the Department does not dispute that Petitioner has been separated from his spouse for a long period of time. Petitioner does not dispute that he is capable of locating his spouse.

Petitioner's representative argued that Petitioner is not capable of obtaining verification of his wife's assets and that Petitioner should not be required to provide this information. Petitioner's representative argued that due to the length of time that Petitioner has been separated from his wife that their finances are completely separate from one another and should not affect each other's eligibility for MA benefits.

LTC means being in any of the following:

- A nursing home that provides nursing care.
- A county medical care facility that provides nursing care.
- A hospital long-term care unit.
- A MDHHS facility that provides active psychiatric treatment.
- A special MR nursing home.
- A MDHHS facility for individuals with intellectual disability that provides ICF/ID nursing care.

Department of Health and Human Services Bridges Glossary (BPG) (October 1, 2015), p 42.


Petitioner applied for MA benefits requesting LTC benefits and eligibility for these benefits includes an asset limit. By definition, a person in need of LTC benefits is not living with their spouse and policy does not contain any exceptions based long term separation from a spouse. Although Petitioner and his spouse have been separated for a long period of time, the spouse's countable assets are something that the Department is required to obtain verification of to make an accurate determination of Petitioner's eligibility for MA benefits.

Petitioner had a duty to provide the Department with information necessary to accurately determine his eligibility for MA benefits, including his and his spouse's assets. Petitioner failed to identify an exception to this duty to provide verification of 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 acting in accordance with policy when it denied Petitioner's Medical Assistance (MA) application for failure to provide the Department with information necessary to determine his eligibility to receive benefits.

**ECISION AND ORDER**

Accordingly, the Department's decision is AFFIRMED.

KS/nr

  
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Kevin Scully  
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]

**Counsel for Respondent**

[REDACTED]

**Petitioner**

[REDACTED]

**Counsel for Petitioner**

[REDACTED]