



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 20, 2017  
MAHS Docket No.: 17-002977  
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 30, 2017, from Lansing, Michigan. The Petitioner was represented by [REDACTED] [REDACTED] Petitioner's daughter. The Department was represented by [REDACTED] [REDACTED] Hearing Facilitator.

### **ISSUE**

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

### **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 August 10, 2016, the Department received Petitioner's application for Medical Assistance (MA). Exhibit A, p 1.
2. On October 31, 2016, the Department received another application for Medical Assistance (MA). Exhibit A, p 12.
3. On January 19, 2017, the Department received Petitioner's request for retroactive Medical Assistance (MA) for September of 2016, October of 2016, and November of 2016. Exhibit A, pp 39-41.
4. On her January 19, 2017, request for retroactive Medical Assistance (MA), Petitioner reported that she owns stocks or mutual funds with an approximate value of \$ [REDACTED] Exhibit A, p 41.

5. On January 30, 2017, the Department notified Petitioner that she was not eligible for Medical Assistance (MA) benefits in September of 2016, October of 2016, and November of 2016. Exhibit A, p 43.
6. On February 10, 2017, the Department received Petitioner's request for a hearing protesting the denial of her 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).

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.

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 (April 1, 2016), pp 1-7.

On August 10, 2016, the Department received Petitioner's application for MA benefits. Due to Department error, this application for assistance was not registered as directed by Department policy, which requires that all applications, redeterminations, referrals, initial asset assessments, member adds, and program adds must be registered. Department of Health and Human Services Bridges Administrative Manual (BAM) 110 (January 1, 2017), p 20. On October 31, 2016, the Department received another application for MA benefits.

Later, the Department would discover the unregistered August 10, 2016, application. The Department's representative testified that this application was registered and Petitioner's eligibility for MA was redetermined as of the date the application was received.

On January 19, 2017, the Department received Petitioner's request for retroactive MA. Regardless of whether Petitioner's eligibility for MA benefits was evaluated as a

retroactive month, or a benefit month, Petitioner has the burden of establishing eligibility to receive benefits during those months.

On January 19, 2017, Petitioner reported to the Department that she owned stock or mutual funds with an approximate value of \$ [REDACTED]. As a group of one, the asset limit for Petitioner to receive MA benefits is \$ [REDACTED] BEM 400, p 8.

Petitioner testified that when the Department discovered that it had not registered the initial August 10, 2016, application for benefits, that was advised not to worry about countable assets and that she would be found eligible for benefits.

The Department is required to assist clients who ask for help in completing forms, gathering verifications, and/or understanding written correspondence. The Department is not obligated to provide guidance to applicants for managing their finances in order to maximize the benefits they may be eligible for. The requirement to provide specific eligibility information for MA benefits is satisfied by the eligibility information on the application form. Department of Health and Human Services Bridges Administrative Manual (BAM) 105 (October 1, 2016), p 14-15.

The Department determined Petitioner's eligibility for MA for September of 2016, October of 2016, and November of 2016. The Department denied MA benefits in each of these months based on information reported to the Department by Petitioner after the Department reasonably determined that she exceeded the asset limit.

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 application for Medical Assistance (MA) from September 1, 2016, through November 30, 2016, based on excess assets.

### **DECISION 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]

**Petitioner**

[Redacted]

**Authorized Hearing Rep.**

[Redacted]