RICK SNYDER GOVERNOR

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

SHELLY EDGERTON



Date Mailed: February 15, 2018 MAHS Docket No.: 17-017052

Agency No.:

Petitioner:

ADMINISTRATIVE LAW JUDGE: Amanda M. T. Marler

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 February 12, 2018, from Detroit, Michigan. The Petitioner was represented by her authorized representative, ________. The Department of Health and Human Services (Department) was represented by _______. Eligibility Specialist.

ISSUE

Did the Department properly close Petitioner's Medical Assistance (MA) program benefits due to being over the asset limit?

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 September 28, 2017, Petitioner submitted a completed Redetermination to the Department listing a vehicle financed through
- 2. Other vehicles appeared in the Bridges system and the Department updated the values for each vehicle using the National Automobile Dealers Association (NADA) vehicle value lookup.
- 3. On October 9, 2017, the Department determined Petitioner was ineligible for MA program benefits due to being over the asset limit.

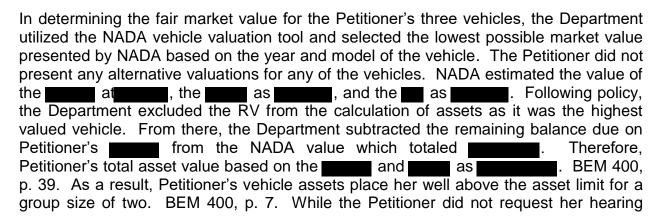
- 4. On October 19, 2017, Petitioner submitted a hearing request disputing the Department's assessment of value for each of the involved vehicles.
- 5. On November 14, 2017, Petitioner's husband passed away, changing the group size and by extension the asset limit for the group.

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 and her husband were part of the Medicare Cost Sharing MA program. Petitioner is the owner of a 2013 Ford Taurus, a 2012 Ford F-250, and finally a 2011 Keystone RV. The Medicare Savings Program asset limit effective January 1, 2017 for a group size of two is \$11,090.00; for a group size of one, the asset limit as of January 1, 2017 is \$7,390.00. BEM 400 (July 2017), p. 7. In an SSI-related MA case, the value of a vehicle is its equity value, or the fair market value minus the amount legally owed in a written lien provision. BEM 400, p. 38. One motorized vehicle owned by the asset group is excluded in calculating the total value of assets; if more than one motorized vehicle is owned, the Employment Asset Exclusion is excluded first, then from any remaining motorized vehicles, the vehicle with the highest equity value is excluded. BEM 400, p. 39.



before the change in her group size, it should be noted that she is also above the asset limit for a group size of one. BEM 400, p. 7.

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 found Petitioner ineligible for benefits as a result of being over the asset limit.

DECISION AND ORDER

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

AM/cg

Amanda M. T. Marler
Administrative Law Judge
for Nick Lyon, Director
Department of Health and Human Services

la M Marler

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

Via Email:	
Authorized Hearing Dan .	
Authorized Hearing Rep.: Via First-Class Mail	
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Petitioner:	
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