



RICK SNYDER  
GOVERNOR

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

SHELLY EDGERTON  
DIRECTOR

[REDACTED]  
[REDACTED]  
[REDACTED]

Date Mailed: February 7, 2018  
MAHS Docket No.: 17-014454  
Agency No.: [REDACTED]  
Petitioner: [REDACTED]

**ADMINISTRATIVE LAW JUDGE: Denise McNulty**

**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 December 13, 2017, from Detroit, Michigan. The Petitioner was represented by [REDACTED] [REDACTED], Authorized Hearing Representative/parent. The Department of Health and Human Services (Department) was represented by Pamela Herman, Hearing Facilitator; [REDACTED], Hearing Facilitator; and [REDACTED], Eligibility Specialist.

**ISSUE**

Did the Department properly deny Petitioner's application for the Medicare Savings Program (MSP) 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 August 11, 2017, an application for MSP was submitted on Petitioner's behalf. [Exhibit A, pp. 1-8.]
2. On September 19, 2017, the Department issued Petitioner a Health Care Coverage Determination Notice (HCCDN) informing her that she was not eligible for the MSP program. [Exhibit A, pp. 9-13.]
3. On October 25, 2017, the Department received Petitioner's request for hearing to dispute the Department's actions.

## 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 requested a hearing to dispute the Department's decision that she was not eligible for the MSP. Petitioner's August 11, 2017, application was denied due to the value of countable assets being higher than allowed for the program. On September 19, 2017, the Department sent Petitioner a HCCDN informing her that she was not eligible for MSP benefits.

Medicare Savings Programs are Supplemental Security Income (SSI)-related MA categories. They are neither Group 1 nor Group 2. There are three categories that make up MSP. The three categories are: (i) Qualified Medicare Beneficiaries (QMB); (ii) Specified Low-Income Medicare Beneficiaries (SLMB); and (iii) Additional Low-Income Medicare Beneficiaries (ALMB). All types of assets are considered for SSI-related MA categories. BEM 400, p. 3. An asset must be available to be countable. **Available** means that someone in the asset group has the legal right to use or dispose of the asset. BEM 400 p. 10 Assume an asset is available unless evidence shows it is **not** available. BEM 400 p. 10. For SSI-Related MA only. The value of the asset is the amount of the Money in the account or on **deposit**. BEM 400, p. 17. Asset eligibility is required for SSI-related MA categories. BEM 400, p. 6. Asset eligibility exists when the asset group's countable assets are less than, or equal to, the applicable asset limit at least one day during the month being tested. BEM 400, p. 7.

Countable assets **cannot** exceed the applicable asset limit. BEM 400, p. 2. A certificate of deposit (CD) is considered an asset. BEM 400, p. 1. The asset limit for MSP eligibility for a group of one is \$ [REDACTED] BEM 400, p. 8. Petitioner is a group of one. The evidence presented by the Department demonstrated that Petitioner was the owner of a CD that had a value considerably greater than \$ [REDACTED] [Exhibit A, pp. 14-17.] As such, the Department acted in accordance with policy when it denied Petitioner's application for MSP due to countable assets being higher than allowed for the programs.

**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 denied Petitioner's application for MSP benefits.

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

DM/jaf



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**Denise McNulty**

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]

**Petitioner**

[REDACTED]  
[REDACTED]  
[REDACTED]

**Authorized Hearing Rep.**

[REDACTED]  
[REDACTED]  
[REDACTED]

[REDACTED]  
[REDACTED]  
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