



RICK SNYDER
GOVERNOR

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

SHELLY EDGERTON
DIRECTOR

[REDACTED]
[REDACTED]
[REDACTED]

Date Mailed: March 13, 2018
MAHS Docket No.: 18-000436
Agency No.: [REDACTED]
Petitioner: [REDACTED]

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 March 7, 2018, from Detroit, Michigan. The Petitioner was represented by his daughter and Authorized Representative, [REDACTED]. The Department of Health and Human Services (Department) was represented by [REDACTED], Eligibility Specialist, and [REDACTED], Assistance Payments Supervisor.

ISSUE

Did the Department properly deny Petitioner Medical Assistance (MA) coverage due to being over the asset limit from December 2017 ongoing?

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 October 4, 2017, the Department issued a Redetermination for Petitioner's Medicaid and Medicare Savings Program (MSP) programs.
2. On October 30, 2017, the Department received the completed Redetermination form and proof of Petitioner's bank account assets.
3. On November 17, 2017, the Department issued a Health Care Coverage Determination Notice (HCCDN) indicating that Petitioner was not eligible for MA coverage due to being over the asset limit.

4. On January 24, 2018, Petitioner submitted a hearing request disputing the denial of an MA benefit and explanation of his circumstances.

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 admits that he has a Chinese bank account in which his pension is deposited. The bank does not have any branches in Michigan, and Petitioner is not familiar with the bank's online account management system. Usually, Petitioner takes annual trips to China, makes withdraws from his account, and brings the money home to repay any debts. In the time before the Redetermination, Petitioner did not have an opportunity to return to China and withdraw his money. At the time of the Redetermination, Petitioner had \$ [REDACTED] in his account or [REDACTED]

An asset must be available to be countable. BEM 400 (July 2017), p. 10. Available means that someone in the asset group has the legal right to use or dispose of the asset. *Id.* Supplemental Security Income (SSI)-related Medicaid is available for individuals who are aged 65 or older, blind, or disabled. BEM 166 (April 2017), p. 1. Petitioner is older than aged 65 and was previously enrolled in an SSI-MA category. Policy provides that for SSI-related Medicaid, the asset limit is \$2,000.00 for a group of one and \$3,000.00 for a group of two. BEM 400, p. 8. No evidence was presented that Petitioner had any other group members than himself. Therefore, the SSI-related MA asset limit for Petitioner is \$2,000.00, and he was over the asset limit.

Policy also provides that for the Medicare Savings Program (MSP), the asset limit for a group size of one is \$7,390.00 effective January 1, 2017. BEM 400, p. 7. Again, Petitioner was over the asset limit for the MSP.

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 end Petitioner's MA coverage effective December 1, 2017.

DECISION AND ORDER

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



AM/

Amanda M. T. Marler
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]

Authorized Hearing Rep.

[REDACTED]
[REDACTED]
[REDACTED]

Petitioner

[REDACTED]
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