



RICK SNYDER  
GOVERNOR

STATE OF MICHIGAN  
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS  
LANSING

SHELLY EDGERTON  
DIRECTOR

[REDACTED]

Date Mailed: June 15, 2018  
MAHS Docket No.: 18-003074  
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. A hearing scheduled for May 16, 2018, was adjourned. After due notice, a telephone hearing was held on May 23, 2018, from Lansing, Michigan. Petitioner was represented by her authorized hearing representatives, [REDACTED], [REDACTED] and [REDACTED]. The Department was represented by Tracy Nguyen, and Candace Baker.

**ISSUE**

Did the Department of Health and Human Services (Department) properly deny 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 August 31, 2017, Petitioner's representative contacted the Department inquiring about the status of Petitioner's application for Medical Assistance (MA) and was informed that no application had been registered. Exhibit B, pp 6-8.
2. On October 12, 2017, the Department agreed to accept applications for Medical Assistance (MA) that had not been previously registered. Exhibits C, D, E, F, G, H, I, J, pp 9-25.
3. On November 30, 2017, the Department received Petitioner's application for Medical Assistance (MA). Exhibit A, pp 2-5.

4. On November 30, 2017, Petitioner's representative submitted fax transmittal records showing that 17 pages were sent to the Department on July 12, 2017, which was similar documentation to the applications that were retroactively registered on October 12, 2017. These records list Petitioner's name and social security number. Exhibit K, pp 26-27.
5. Petitioner's countable cash assets in November were higher than \$2,000, which is the limit for a group of one to receive Medical Assistance (MA) under the G2S category. Exhibit O, pp 33.
6. On December 18, 2017, the Department notified Petitioner that her November 30, 2017, application for assistance had been denied based on her countable assets. Exhibit Q, pp 35-37.
7. On March 19, 2018, the Department received Petitioner's request for a hearing. Exhibit R, pp 38-39.

### **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 (January 1, 2018), pp 1-7.

The asset limit for a group of one to receive SSI-related MA benefits is \$2,000. BEM 400.

On December 18, 2017, the Department determined that Petitioner is not eligible for MA benefits in November of 2017, based on her countable assets. Petitioner's

representatives are not disputing this eligibility determination but are disputing the Department refusal to determine eligibility for MA benefits in months before November of 2017, alleging that an application for assistance was not processed by the Department in accordance with policy.

A request for assistance may be in person, by mail, telephone, email or online. The date of application is the date the local office receives the required minimum information on an application or the filing form. An application or filing form, with the minimum information, must be registered in Bridges unless the client is already active for that program. An authorized representative (AR) is a person who applies for assistance on behalf of the client and/or otherwise acts on his behalf (for example, to obtain FAP benefits for the group). The AR assumes all the responsibilities of a client. The application form must be signed by the client or the individual acting as his authorized representative. Department of Health and Human Services Bridges Administrative Manual (BAM) 110 (April 1, 2018), pp 1-28.

An application or filing form, whether faxed, mailed or received from the Internet must be registered with the receipt date, if it contains at least the following information:

- Name of the applicant.
- Birth date of the applicant (not required for the Food Assistance Program (FAP) or the Child Development and Care (CDC) program).
- Address of the applicant (unless homeless).
- Signature of the applicant/authorized representative.

Department of Health and Human Services Bridges Administrative Manual (BAM) 105 (January 1, 2018), p 1.

Petitioner's representative offered a fax receipt as evidence that an application for MA benefits had been submitted to the Department on July 12, 2017. Petitioner's representative testified that other applications for MA benefits have been retroactively registered by the Department and offered evidence of these other applications.

The record evidence supports a finding that Petitioner's representative sent a fax to the Department on July 12, 2017, and that this fax contained Petitioner's name and social security number. The record evidence does not support a finding that the July 12, 2017, fax contained Petitioner's birth date, address, or signature of the applicant/authorized representative.

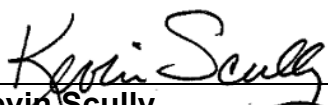
Based on the evidence and testimony available during the hearing, there is insufficient evidence to establish that the Department received the minimum amount of information before November 30, 2017, to register an application. The Department received the minimum amount of information to register an application for MA benefits on November 30, 2017, but this application would be denied on December 18, 2017.

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 November 30, 2017, application for Medical Assistance (MA), and refused to consider Petitioner's request for Medical Assistance (MA) during the months where no application had been registered.

**DECISION AND ORDER**

Accordingly, the Department's decision is AFFIRMED.

KS/hb

  
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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) 763-0155; 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**

Raina Nichols  
22 Center Street  
Ypsilanti, MI 48198

Washtenaw County (District 20), DHHS

BSC4 via electronic mail

D. Smith via electronic mail

EQADHShearings via electronic mail

**Authorized Hearing Rep.**

[REDACTED]

**Petitioner**

[REDACTED]