



RICK SNYDER  
GOVERNOR

STATE OF MICHIGAN  
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS  
LANSING

SHELLY EDGERTON  
DIRECTOR

Date Mailed: June 8, 2018  
MAHS Docket No.: 18-003386  
Agency No.: [REDACTED]  
Petitioner: [REDACTED]

**ADMINISTRATIVE LAW JUDGE:** Aaron McClintic

### **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 May 16, 2018, from Lansing, Michigan. Petitioner was represented by himself. The Department of Health and Human Services (Department) was represented by [REDACTED], AP Supervisor. Department Exhibit 1, pp. 1-14 was received and admitted.

### **ISSUE**

Did the Department properly close Petitioner's Medical Assistance (MA) due to excess assets?

### **FINDINGS OF FACT**

The Administrative Law Judge, based on the competent, material, and substantial evidence on the whole record, finds as material fact:

1. Petitioner was a recipient of MA.
2. Petitioner disclosed pursuant to redetermination that he owned real property that he was not residing on.
3. On [REDACTED], a Health Care Coverage Determination Notice was sent to Petitioner informing him that his MA case would close due to excess assets. (Exhibit 1, pp.12-13)

4. The State Equalized Value for Petitioner's property for 2017, was \$ [REDACTED] (Exhibit 1, p.10)
5. On [REDACTED], Petitioner requested hearing disputing the closure of MA benefits.

### 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.

Real Property and Mobile Home Value

**FIP, SDA, RCA, SSI-Related MA Only, CDC and FAP**

To determine the fair market value of real property and mobile homes use:  
State Equalized Value (SEV) on current property tax records multiplied by two. BEM 400

For all other SSI-related MA categories, the asset limit is:  
\$2,000 for an asset group of one. BEM 400

Absent from Homestead

**SSI-Related MA Only**

Exclude a homestead that an owner formerly lived in if **any** of the following are true:

- The owner intends to return to the homestead.
- The owner is in an LTC facility, a hospital, an adult foster care (AFC) home or a home for the aged.
- A co-owner of the homestead uses the property as his home.

BEM 400

In this case, the property where Petitioner formerly resided has a State Equalized Value of \$ [REDACTED]. Department policy dictates valuing the property at double the state equalized value \$ [REDACTED]. BEM 400 Petitioner did not testify that he intends to return to the property. Petitioner testified that he intends to sell the property but there is a trailer filled with his belongings on the property that he needs to clean out but that is a


difficult task because he is a “pack rat”. Department policy requires that the property is a countable asset because Petitioner is not residing there and does not intend to return. The asset limit for MA is \$ [REDACTED] BEM 400 Petitioner is over the asset limit therefore the closure due to excess assets was proper and correct.

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 closed Petitioner’s MA case due to excess assets.

**DECISION AND ORDER**

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

AM/bb

  
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**Aaron McClintic**  
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**

[REDACTED]

**Petitioner**

[REDACTED]