



GRETCHEN WHITMER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS

ORLENE HAWKS
DIRECTOR

[REDACTED]
[REDACTED]
[REDACTED] MI [REDACTED]

Date Mailed: June 4, 2019
MOAHR Docket No.: 19-003356
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 May 29, 2019, from Detroit, Michigan. The Petitioner was represented by her Authorized Hearings Representative, [REDACTED]. The Department of Health and Human Services (Department) was represented by Donnell Thomas, Assistance Payments Worker.

ISSUE

Did the Department properly deny Petitioner's Retroactive Medical Assistance (MA) Program Application for October 2018?

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 15, 2019, the Department completed an Asset Detection to determine Petitioner's assets and discovered an open checking account with Bank of America with a balance of \$ [REDACTED] effective September 1, 2018.
2. On October 19, 2018, the Department issued a Health Care Coverage Determination Notice (HCCDN) to Petitioner informing her that she was ineligible for MA benefits effective October 1, 2019, because she had assets greater than the asset limit.

3. On November 1, 2018, the Department issued another HCCDN to Petitioner informing her that she was ineligible for MA benefits effective October 2018 because she had assets greater than the asset limit.
4. On December 11, 2019, the Department issued another HCCDN to Petitioner informing her that she was ineligible for MA benefits effective October 1, 2019, because she had assets greater than the asset limit.
5. On January 4, 2019, a second Asset Detection was completed showing that as of December 1, 2018, the asset had been spent down to \$ [REDACTED]
6. On January 8, 2019, the Department issued another HCCDN to Petitioner denying her application for retroactive MA benefits for October 2018, but granting her full coverage MA benefits for November and December 2018, and MA coverage with a patient pay amount of \$ [REDACTED] effective January 2019.
7. On April 8, 2019, the Department received Petitioner's Request for Hearing disputing the Department's denial of MA benefits for October 2018

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 was denied MA coverage for October 2018 due to excess assets. Assets must be considered in determining eligibility for Supplemental Security Income (SSI)-related MA categories. BEM 400 (October 2018), p. 1. Assets include cash, personal property, and real property. BEM 400, pp. 1-2. Petitioner's AHR argues that the asset was unavailable to Petitioner in October 2018 because the bank would not allow her access to the money without a valid photo identification which she did not have until late November 2018. In order to be considered available, someone in the asset group must have the legal right to use or dispose of the asset. BEM 400, p. 10. Petitioner's AHR concedes that there were no other legal owners of the account except possibly the bank. The bank does not own the money, it simply holds the money. Petitioner was the sole legal owner and legally had a right to use or dispose of the

asset, she simply had to prove her identity first. Therefore, this money was available to Petitioner despite difficulties with accessing it.

The asset limit for SSI-Related MA categories is \$2,000.00 for a group size of one except for the Medicare Savings Program (MSP) which has an asset limit of \$7,560.00 effective January 1, 2018. BEM 400, p. 8. Petitioner's assets for October 2018 were over \$ [REDACTED]. Therefore, she was not eligible for MA or MSP benefits.

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 MA benefits for October 2018.

DECISION AND ORDER

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



AMTM/jaf

Amanda M. T. Marler
Administrative Law Judge
for Robert Gordon, 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 Office of Administrative Hearings and Rules (MOAHR).

A party may request a rehearing or reconsideration of this Order if the request is received by MOAHR 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. MOAHR will not review any response to a request for rehearing/reconsideration.

A written request may be mailed or faxed to MOAHR. If submitted by fax, the written request must be faxed to (517) 763-0155; Attention: MOAHR Rehearing/Reconsideration Request.

If submitted by mail, the written request must be addressed as follows:

Michigan Office of Administrative Hearings and Rules
Reconsideration/Rehearing Request
P.O. Box 30639
Lansing, Michigan 48909-8139

DHHS

Renee Swiercz
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Authorized Hearing Rep.

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Petitioner

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