



GRETCHEN WHITMER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
MICHIGAN OFFICE OF ADMINISTRATIVE HEARINGS AND RULES

ORLENE HAWKS
DIRECTOR

[REDACTED]
[REDACTED], MI [REDACTED]

Date Mailed: September 9, 2019
MOAHR Docket No.: 19-007793
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 August 28, 2019, from Lansing, Michigan. The Petitioner was represented by his guardian and authorized representative, [REDACTED] [REDACTED]. The Department of Health and Human Services (Department) was represented by Octavia Bela, Eligibility Specialist. Yvette Bishop-Turnbull also appeared for the Department. Department Exhibit 1, pp. 1-15 was received and admitted. Petitioner Exhibit A, pp. 1-3 was received and admitted.

ISSUE

Did the Department properly deny Petitioner's Medical Assistance (MA) application 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. On [REDACTED] [REDACTED] 2019, Petitioner applied for MA with a request for retroactive coverage back to January 2019.
2. On May 22, 2019, a Notice of Case Action was sent to Petitioner informing him that he was not eligible for MA from January 1, 2019, through March 31, 2019, due to excess assets.
3. Petitioner was found to be eligible for MA from April 1, 2019 and ongoing.
4. Petitioner had a bank account with a balance of \$ [REDACTED] on March 31, 2019.

5. Petitioner was under the asset limit as of April 1, 2019.

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.

Value of Cash

FIP, RCA, SDA, G2U, G2C, RMA, SSI-Related MA Only, CDC and FAP

The value of the types of assets described above is the amount of the:

- • Money/currency.
- • Uncashed check, draft or warrant.
- • Money in the account or on deposit.
- • Money held by others.
- • Money held by nursing facilities for residents.
- • Money in a vendor pre-paid debit card (for example, Direct Express, ReliaCard, etc.). BEM 400

For all other SSI-related MA categories, the asset limit is:

- • \$2,000 for an asset group of one. BME 400

In this case, Petitioner presented his bank account records showing that a check for \$ [REDACTED] cleared on April 1, 2019. Petitioner testified that this check was submitted on March 25, 2019 to the health care provider but could not be processed until April 1, 2019, because the bank was in another state. It is unfortunate that Petitioner missed being under the asset limit for March by one day and that was a result of circumstances beyond his control. Unfortunately, Department policy has strict rules for determining asset eligibility and the undersigned administrative law judge does not have the authority to disregard that policy.

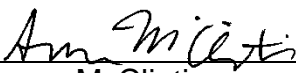
Department policy looks at bank account balances for the month. The bank account balance for March 2019 was over the \$2,000 asset limit for the entire month. The asset limit for MA is \$2,000. BEM 400 Therefore, Petitioner was over the asset limit and the denial for excess assets was proper and correct.

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 denied Petitioner's MA application due to excess assets.

DECISION AND ORDER

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

AM/nr



Aaron McClintic
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

Sarina Baber
22 Center Street
Ypsilanti, MI
48198

Washtenaw County DHHS- via electronic
mail

BSC4- via electronic mail

D. Smith- via electronic mail

EQAD- via electronic mail

Petitioner

[REDACTED]
[REDACTED], MI

Authorized Hearing Rep.

[REDACTED]
[REDACTED], MI