



RICK SNYDER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
LANSING

SHELLY EDGERTON
DIRECTOR

[REDACTED]

Date Mailed: January 30, 2018
MAHS Docket No.: 17-014192
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Vicki Armstrong

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, an in-person hearing was held on January 4, 2018, from Essexville, Michigan. Petitioner personally appeared and testified.

The Department of Health and Human Services (Department) was represented by Assistance Payment Supervisor, Maia Wilson; and Eligibility Specialist, Jill McMurphy. Ms. Wilson testified on behalf of the Department. The Department submitted 26 exhibits which were admitted into evidence. The record was closed at the conclusion of the hearing.

ISSUE

Did the Department properly close Petitioner's Medicaid and Qualified Medicare Benefit program for an excess of countable 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 October 10, 2017, Petitioner submitted a bank statement along with her redetermination to the Department showing a balance of \$11,818.32. Upon the Department entering the balance into Bridges, Petitioner's Food Assistance Program (FAP), Medicaid and Qualified Medicare Benefits programs closed. [Hearing Summary; Dept. Exh. 13-15].

2. On October 11, 2017, the Department mailed Petitioner a Notice of Case Action informing her that her FAP closed effective October 1, 2017, ongoing. [Dept. Exh. 5-8].
3. On October 11, 2017, the Department issued Petitioner a Health Care Coverage Determination Notice informing Petitioner that she did not meet the requirements of the Medicaid and Qualified Medicare Benefit programs because the value of her countable assets was higher than allowed for the programs. Coverage would end November 1, 2017, ongoing. [Dept. Exh. 9-12].
4. On October 23, 2017, Petitioner submitted a request for hearing. Medicaid and the Qualified Medicare Benefit were reinstated pending hearing. FAP could not be reinstated, as it was pending redetermination. [Dept. Exh. 2; Hearing Summary].
5. On January 4, 2018, Petitioner testified that the money was no longer in the account, but she was unable to explain where the money had gone. Petitioner offered no documentary evidence showing she no longer had the assets. [Testimony of ██████████].

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).

As stated by Petitioner during the hearing, her focus was on her medical benefits, and the Food Stamp Program was not at issue.

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 submitted a bank statement with her redetermination, indicating the value of her countable assets was higher than allowed for the Medicaid and Medicare Qualified Benefit program. Petitioner did not submit any reliable evidence during the hearing to indicate that she no longer was in possession of the assets or that she was not in possession of those assets at the time of the redetermination.


Therefore, 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 Medicaid and Qualified Medicare Benefit programs.

DECISION AND ORDER

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

VLA/bb



Vicki Armstrong
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

Kim Cates
1399 W. Center Road
Essexville, MI 48732

Bay County, DHHS

BSC2 via electronic mail

EQADHS via electronic mail

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Petitioner

