



RICK SNYDER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
MICHIGAN ADMINISTRATIVE HEARING SYSTEM

SHELLY EDGERTON
DIRECTOR

[REDACTED]

Date Mailed: July 23, 2018
MAHS Docket No.: 18-004868
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Ellen McLemore

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 July 19, 2018, from Detroit, Michigan. Petitioner was present with his wife, [REDACTED] and son/Albanian Interpreter, [REDACTED]. The Department of Health and Human Services (Department) was represented by Sonya Baker, Eligibility Specialist.

ISSUE

Did the Department properly close Petitioner's Medical Assistance (MA) benefit case?

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 an ongoing MA recipient.
2. On April 2, 2018, the Department detected a savings account in Petitioner's name.
3. On April 26, 2018, the Department discovered a checking account in Petitioner's name.
4. On May 10, 2018, Petitioner submitted verifications for both the checking and savings account.

5. On May 10, 2018, the Department sent Petitioner a Health Care Coverage Determination Notice informing him that his MA benefit case was closing effective June 1, 2018, ongoing, for exceeding the asset limit.
6. On May 10, 2018, Petitioner submitted a request for hearing disputing the Department's actions.

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 an ongoing MA recipient. On May 10, 2018, Petitioner submitted verifications of two bank accounts that were discovered to be in his name. The checking account verification submitted by Petitioner shows that there was a balance of \$10,478.85 in the account. According to the Department's asset detection documentation, the account was jointly owned by Petitioner and his son. The Department testified that as a result, Petitioner exceeded the asset limit and his MA benefit case was closed. The Department was unable to provide any information as to which MA program Petitioner was eligible.

Assets must be considered in determining eligibility for certain MA programs such as Group 2 Caretaker Relative (C2C) and all SSI-related MA categories. BEM 400 (May 2018), p. 1. However, some MA programs, such as the Healthy Michigan Plan (HMP), do not have an asset test. BEM 137 (April 2018), p. 5. Department policy governing asset limitations for the MA programs that do have an asset test are different, depending on the MA program. For instance, the asset limit under the G2C program is \$3,000 and the asset limit under the SSI-related MA programs is \$2,000 for a group of one and \$3,000 for a group of two. BEM 400, p. 8. Therefore, knowing the MA program under which an individual is active/qualifies for is critical to determine the policies that govern their eligibility. As the Department could not provide any evidence as to the program under which Petitioner was active, it cannot be determined that the Department properly followed policy when closing his MA benefit case.

DECISION AND ORDER

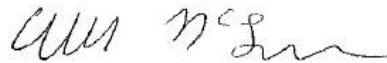
The Administrative Law Judge, based on the above Findings of Fact and Conclusions of Law, and for the reasons stated on the record, if any, finds that the Department failed to satisfy its burden of showing that it acted in accordance with Department policy when it closed Petitioner's MA benefit case.

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

THE DEPARTMENT IS ORDERED TO BEGIN DOING THE FOLLOWING, IN ACCORDANCE WITH DEPARTMENT POLICY AND CONSISTENT WITH THIS HEARING DECISION, WITHIN 10 DAYS OF THE DATE OF MAILING OF THIS DECISION AND ORDER:

1. Redetermine Petitioner's MA eligibility as of June 1, 2018, ongoing;
2. If Petitioner is eligible for MA benefits, provide MA coverage he is entitled to receive as of June 1, 2018, ongoing; and
3. Notify Petitioner of its MA decision in writing.

EM/cg



Ellen McLemore

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

Via Email:

MDHHS-Wayne-15-Hearings
D. Smith
EQAD
BSC4- Hearing Decisions
MAHS

Petitioner – Via First-Class Mail:

