



GRETCHEN WHITMER
GOVERNOR

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

ORLENE HAWKS
DIRECTOR

██████████
██████████
██████████, MI ██████████

Date Mailed: March 2, 2021
MOAHR Docket No.: 20-007374
Agency No.: ██████████
Petitioner: ██████ ██████

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 February 23, 2021, from Lansing, Michigan. The Petitioner was represented by himself. The Department of Health and Human Services (Department) was represented by Ms. D. Broaden. Department Exhibit 1 pp. 1- 17 was received and admitted.

ISSUE

Did the Department properly deny Petitioner's Medical Assistance (MA) and Medicare Cost Share 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 ██████████ 2020, Petitioner applied for MA and Medicare Cost Share. (Ex. 1, pp. 7-10)
2. On October 20, 2020, a Health Care Coverage Determination Notice was sent to Petitioner informing him that his application was denied due to excess assets. (Ex. 1, pp. 14-16)
3. On November 16, 2020, Petitioner requested hearing disputing the denial of MA and Medicare Cost Share. (Ex. 1, p.4)
4. Petitioner had \$██████████ in a bank account at the time of application. (Ex. 1, p.13)

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.

For Medicare Savings Programs (BEM 165) the asset limit is:

- For an asset group of one:
- \$7970 effective January 1, 2021.
- \$7,860 effective January 1, 2020. BEM 400

G2U, G2C and RMA Asset Limit

G2U, G2C and RMA

\$3,000. BEM 400

In this case, Petitioner had \$ [REDACTED] in a bank account at the time of application. Petitioner did not dispute the amount of money in his bank account. The asset limit for Medicare Cost Share is \$7,860. The asset limit for MA is \$3,000. Therefore, Petitioner is over the asset limit and the denial for excess assets was proper and correct and consistent with Department policy. BEM 400 (January 2020) Petitioner testified that he needs the money in his bank account to pay for home repairs and other expenses. Once Petitioner is below the asset limits for MA and Medicare Cost Share, he may be eligible.

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 and Medicare Cost Share application due to excess assets.

DECISION AND ORDER

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

AM/nr



Aaron McClintic
Administrative Law Judge
for Elizabeth Hertel, 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

Chelsea McCune
27690 Van Dyke
Warren, MI
48093

Macomb 20 County DHHS- via electronic
mail

BSC4- via electronic mail

C. George- via electronic mail

EQAD- via electronic mail

Petitioner

██████████ - via first class mail

████████████████████

██████████, MI

██████████