



GRETCHEN WHITMER  
GOVERNOR

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

ORLENE HAWKS  
DIRECTOR

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██████████, MI ██████████

Date Mailed: March 25, 2021  
MOAHR Docket No.: 21-000217  
Agency No.: ██████████  
Petitioner: ██████████ ██████████

**ADMINISTRATIVE LAW JUDGE:** Kevin Scully

**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; 45 CFR 99.1 to 99.33; and 45 CFR 205.10. After due notice, a telephone hearing was held on March 3, 2021. Petitioner represented herself. The Department was represented by Lianne Scupholm.

**ISSUE**

Did the Department of Health and Human Services (Department) properly deny Petitioner's application for Medical Assistance (MA) benefits?

**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, the Department received Petitioner's application for Medical Assistance (MA). Exhibit A, pp 3-7.
2. Petitioner was born on ██████████ 1963, and her husband was born on ██████████ 1955. Exhibit A, p 4.
3. On December 22, 2020, the Department received Petitioner's Health Care Coverage Supplemental Questionnaire (DHS-1004) where she reported having a bank account with \$██████████ in her savings account and \$██████████ in her checking account. Exhibit A, pp 8-11.
4. On December 23, 2020, the Department notified Petitioner that she was eligible for Medical Assistance (MA), but that her husband was not. Exhibit A, pp 12-15.
5. On January 11, 2021, the Department received Petitioner's hearing request.

## **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 through 42 USC 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 through 42 CFR 420.25. The Department administers the MA program pursuant to 42 CFR 435, MCL 400.10, and MCL 400.103 through MCL 400.112k of the Social Welfare Act, MCL 400.1 *et seq.*

Assets means cash, any other personal property and real property. Real property is land and objects affixed to the land such as buildings, trees and fences. Condominiums are real property. Personal property is any item subject to ownership that is not real property. Countable assets cannot exceed the applicable asset limit. An asset is countable if it meets the availability tests and is not excluded. Available means that someone in the asset group has the legal right to use or dispose of the asset. Department of Human Services Bridges Eligibility Manual (BEM) 400 (July 1, 2020), pp 1-7.

The Healthy Michigan Plan (HMP) is available to individuals 19-64 years of age with incomes not exceeding 133% of the federal poverty level, and there is no countable asset limit to remain eligible for these benefits. Department of Health and Human Services Bridges Eligibility Manual (BEM) 137 (June 1, 2020), p 1.

For a married person over the age of 64, there is a \$3,000 asset limit to remain eligible for MA benefits. Department of Health and Human Services Bridges Eligibility Manual (BEM) 400 (January 1, 2021), pp 8-9.

On December 8, 2020, the Department received Petitioner's application for assistance, and on December 22, 2020, the Department received her Health Care Coverage Supplemental Questionnaire (DHS-1004). Respondent reported to the Department that she had more than \$3,000 of cash assets in her savings and checking accounts.

On December 23, 2020, the Department notified Petitioner that she was eligible for MA benefits, but that her husband was not eligible based on their countable cash assets.

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 determined that Petitioner's husband was not eligible for Medical Assistance (MA) as of December 8, 2020, based on their countable assets as a married couple.

**DECISION AND ORDER**

Accordingly, the Department's decision is AFFIRMED.

KS/nr

  
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Kevin Scully  
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**

Carisa Drake  
190 East Michigan  
Battle Creek, MI  
49016

Calhoun County DHHS- via electronic mail

BSC3- via electronic mail

C. George- via electronic mail

EQAD- via electronic mail

**Petitioner**

██████████ - via first class mail

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██████████, MI

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