



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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Date Mailed: June 21, 2021
MOAHR Docket No.: 21-002113
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 May 26, 2021. Petitioner was represented by ██████████ and ██████████. Petitioner testified on his own behalf. The Department was represented by Kristina Warner.

ISSUE

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

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 ██████████ 2021, the Department received Petitioner’s application for Medical Assistance (MA) benefits and his Health Care Coverage Supplemental Questionnaire (DHS-1004). Exhibit A, pp 1-16.
2. Petitioner was born on ██████████ ██████████. Exhibit A, p 2.
3. On March 8, 2021, the Department received a copy of Petitioner’s bank statement showing a starting balance of ██████████ on December 1, 2020. Exhibit A, p 19.
4. On March 8, 2021, the Department received a copy of Petitioner’s bank statements showing a starting balance on January 1, 2021, of ██████████, and an ending balance of ██████████ on January 31, 2021. Exhibit A, p 17.
5. Petitioner owns real estate that is not his homestead with a state equalized value (SEV) of \$1,900. Exhibit A, p 20.

6. On March 23, 2021, the Department notified Petitioner that he is not eligible for Medical Assistance (MA) effective March 1, 2021. Exhibit A, pp 29-31.
7. On April 26, 2021, the Department received Petitioner's request for a hearing protesting the denial of his Medical Assistance (MA) application.

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 (January 1, 2021), pp 1-7.

Real property is land and objects affixed to the land such as buildings, trees and fences. BEM 400, p32. The value of real property can be properly assessed by multiplying the state equalized value (SEV) by two. BEM 400, p 64.

On [REDACTED] 2021, the Department received Petitioner's application for MA benefits. Since Petitioner is over 64 years of age, he does not qualify for any categories of MA benefits that do not have an asset limit. Individuals of Petitioner's age are subject to a countable asset limit of \$2,000. BEM 400, p 9. In addition to cash assets, Petitioner reported owning real property that is not his residence and its value cannot be excluded for any other allowable reason outlined in policy. The SEV of this real property is \$1,900 and the Department properly determined that its fair market value is \$3,800. Since the value of the real property is over \$2,000, and its value cannot be excluded by policy, the Department properly determined that Petitioner is not eligible for MA based on his countable assets.

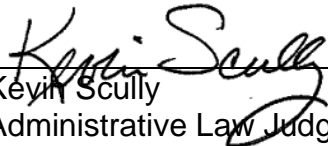
The Administrative Law Judge, based on the above Findings of Fact and Conclusions of Law, and for the reasons stated on the record, if any, finds that the Department acted in

accordance with Department policy when it denied Petitioner's [REDACTED] 2021, application for Medical Assistance (MA).

DECISION AND ORDER

Accordingly, the Department's decision is AFFIRMED.

KS/nr



Kevin Scully
Administrative Law Judge
Michigan Office of Administrative Hearings
and Rules (MOAHR)

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

Tamara Little
301 E. Louis Glick Hwy.
Jackson, MI 49201

Jackson County DHHS- via electronic mail

BSC4- via electronic mail

C. George- via electronic mail

EQAD- via electronic mail

Petitioner

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED] MI [REDACTED]

Authorized Hearing Rep.

[REDACTED]
[REDACTED]
[REDACTED] MI [REDACTED]

Authorized Hearing Rep.

[REDACTED] via first class mail
[REDACTED]
[REDACTED] MI [REDACTED]