



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: May 17, 2022
MOAHR Docket No.: 22-001551
Agency No.: ██████████
Petitioner: ██████████

ADMINISTRATIVE LAW JUDGE: Danielle Nuccio

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 May 9, 2022. Tatirah Glenn, Eligibility Specialist, appeared on behalf of the Department of Health and Human Services (MDHHS). Petitioner appeared for the hearing and represented himself. Saliyah Kwok facilitated interpreting the hearing for Petitioner for the Chinese language.

ISSUE

Did MDHHS properly deny Petitioner's ██████████ 2022 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 ██████████ 2022, Petitioner submitted an application for MA to MDHHS for himself and his wife (Exhibit A, pp. 16-20).
2. On January 21, 2022, MDHHS issued a Verification Checklist to Petitioner requesting that he provide bank records for his accounts at Huntington Bank and Chase Bank by January 31, 2022 (Exhibit A, pp. 21-22).
3. Petitioner provided to MDHHS bank records showing:
 - a. From December 23, 2021 to January 20, 2022, Petitioner's checking account balance at Huntington Bank was \$2,957.00 (Exhibit B, p. 1).

- b. From November 25, 2021 to December 24, 2021, Petitioner's checking account balance at Flagstar Bank was \$3,331.37 (Exhibit C, p. 1).
4. On February 11, 2022, MDHHS issued a Health Care Coverage Determination Notice to Petitioner notifying him that he was not eligible for the Medicare Savings Program (MSP) benefits due to excess assets and failure to provide proof of information requested by MDHHS (Exhibit A, pp. 34-36).
5. On April 4, 2022, MDHHS received Petitioner's timely submitted hearing request disputing the denial of his MA and MSP application (Exhibit A, pp. 3-14).

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 disputes the denial of his [REDACTED] 2022 MA application due to excess assets and failure to provide requested information to MDHHS.

Assets are considered in determining eligibility for Supplemental Security Income (SSI)-Related MA programs. BEM 400 (January 2022), p. 1. SSI-Related MA categories include MA benefits for people who are age 65 or older, blind, disabled, entitled to Medicare, or formerly blind or disabled. BEM 105 (January 2021), p. 1. Since Petitioner is over 65 years of age, he may be eligible for SSI-Related MA benefits. Petitioner is married and therefore a group size of two. The SSI-related MA asset limit for a group size of two is \$3,000.00. BEM 400, p. 9. Asset eligibility exists when countable assets are less than or equal to the asset limit at least one day during the month being tested. BEM 400, p. 7. Assets include cash, personal property, and real property. BEM 400, pp. 1-2. Personal property includes currency, savings/checking accounts, funeral plans, life insurance policies, and other items. BEM 400, p. 2. MDHHS is required to verify the value of countable assets at application, redetermination, and when there is a reported change. BEM 400, p. 62.

MDHHS testified that the only checking account balances that were considered in determining Petitioner's eligibility were based upon the statements from Huntington

Bank from December 23, 2021 to January 20, 2022 (see Exhibit B) and Flagstar Bank from November 25, 2021 to December 24, 2021 (see Exhibit C). However, based upon the MA Asset Detail provided by MDHHS, they also considered two additional bank account balances from Citizen's Bank (see Exhibit D-1 and Exhibit D-2). Regardless, Petitioner's Flagstar Bank checking account balance, in the 30 days prior to his application date, was \$3,331.37. This account on its own, without consideration of additional accounts, exceeds the asset limit for a group size of two. Therefore, MDHHS acted in accordance with policy in denying Petitioner's application due to excess assets.

MDHHS testified that the other denial reason was based upon failure to provide verification of bank accounts that Petitioner claims are closed. Petitioner submitted with his request for hearing bank statements in which he handwrote that the account is now closed. As of the date of the hearing, no additional documentation of closed bank accounts has been submitted. MDHHS is only able to consider documentation that is submitted timely and provides sufficient proof regarding eligibility. Since Petitioner failed to provide proper documentation regarding closed bank accounts, MDHHS acted properly in only considering the asset information as of the application date.

Though MDHHS references MSP in the Health Care Coverage Determination Notice, no evidence was presented that Petitioner receives Medicare. MSP is a State-administered program in which the State pays an income-eligible client's Medicare premiums, coinsurances, and deductibles, depending on the type of MSP category the client is eligible for. BEM 165 (October 2020), p 1-2; BAM 810 (January 2020). Since MSP is only available to individuals receiving Medicare, Petitioner would not be eligible for MSP regardless of his 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 MDHHS acted in accordance with Department policy when it denied Petitioner's MA due to excess assets.

DECISION AND ORDER

Accordingly, MDHHS' decision is **AFFIRMED**.



Danielle Nuccio
Administrative Law Judge

DN/mp

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

Email Recipients:

MDHHS-Macomb-20-Hearings
EQAD Hearings
C. George
MOAHR
BSC4

First-Class Mail Recipient:

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