



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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██████████, OH ██████████

Date Mailed: June 2, 2022
MOAHR Docket No.: 22-001702
Agency No.: ██████████
Petitioner: ██████████ ██████████

ADMINISTRATIVE LAW JUDGE: Landis Lain

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 26, 2022, from Lansing, Michigan. The Petitioner was represented by Petitioner ██████████ ██████████. The Department of Health and Human Services (Department or Respondent) was represented by Kristine Tripp, Hearings Facilitator.

Respondent's Exhibit A pages 1-51 were admitted as evidence.

ISSUE

Did the 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 ██████████ ██████████ ██████████ Petitioner filed an Electronic Marketplace application for Medical Assistance Program benefits.
2. On ██████████ ██████████ ██████████ Petitioner filed an additional MA application, with Ohio documents, and bank statements.
3. On March 31, 2022, the Department denied Petitioner for failure to return a DHS 1004.
4. On ██████████ ██████████ ██████████ Petitioner filed a Request for Hearing to contest the Department's negative action.

5. On April 19, 2022, the Department sent Petitioner a Health Care Coverage Determination Notice indicating that the value of Petitioner's countable assets is higher than allowed for Medical Assistance.
6. On April 19, 2022, a prehearing conference was held and the Department reassessed the application and then denied for over assets.

CONCLUSIONS OF LAW

The regulations governing the hearing and appeal process for applicants and recipients of public assistance in Michigan are found in the Michigan Administrative Code, MAC R 400.901-400.951. An opportunity for a hearing shall be granted to an applicant who requests a hearing because his or her claim for assistance has been denied. MAC R 400.903(1). Clients have the right to contest a department decision affecting eligibility or benefit levels whenever it is believed that the decision is incorrect. The department will provide an administrative hearing to review the decision and determine the appropriateness of that decision. BAM 600.

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.

To be eligible for benefits, a person must be a Michigan resident. Bridges uses the requirements in the Residence section in this item to determine if a person is a Michigan resident.

A person is a resident if all of the following apply:

- Is not receiving assistance from another state.
- Is living in Michigan, except for a temporary absence.
- Intends to remain in the state permanently or indefinitely.

A Michigan resident is an individual who is living in Michigan except for a temporary absence. Residency continues for an individual who is temporarily absent from Michigan or intends to return to Michigan when the purpose of the absence has been accomplished. BEM 220, pages 1-2


In this case, Petitioner has been receiving benefits in Ohio and has continually received benefits in Ohio. Petitioner alleged that she was homeless and was staying in Michigan. Petitioner was granted Supplemental Security Income by the Social Security Administration at her address in Ohio on January 23, 2022. Petitioner cannot receive concurrent benefits in both Ohio and Michigan. At all times relevant to this application Petitioner was receiving benefits in Ohio and when she was homeless and stayed in Michigan, she retained her home in Ohio and thus, had excess 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 application for Medical Assistance Program benefits. The Department has established this case by the necessary competent, material, and substantial evidence on the record.

DECISION AND ORDER

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

LL/ml



Landis Lain
Administrative Law Judge

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

Via-Electronic Mail :

DHHS
Tamara Little
Jackson County DHS
301 E. Louis Glick Hwy.
Jackson, MI 49201
**MDHHS-Jackson-
Hearings@michigan.gov**

**BSC4
C. George
EQAD
MOAHR**

Via-First Class Mail :

Petitioner
[REDACTED]
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