



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: July 11, 2022  
MOAHR Docket No.: 22-002146  
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 June 16, 2022, from Lansing, Michigan. The Petitioner was represented by Attorney Dale Smith. ██████████ ██████████ Petitioner's son, appeared and testified. The Department of Health and Human Services (Department) was represented by AJ Evans AP Supervisor. Department Exhibit 1, pp. 1-8 was received and admitted.

### **ISSUE**

Did the Department properly deny Petitioner's Medical Assistance (MA) 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 ██████████ ██████████ 2022, Petitioner applied for MA-LTC.
2. On April 28, 2022, a Health Care Coverage Determination Notice was sent to Petitioner informing her that her MA application was denied due to excess assets. (Ex. 1, pp. 5-8)
3. On May 17, 2022, Petitioner requested hearing disputing the denial of MA.
4. Petitioner had \$██████████ in a bank account at the time of 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 1396-1396w-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 QDWI (BEM 169) the asset limit is:  
\$4000 for an asset group of one.  
\$6000 for an asset group of two. BEM 400

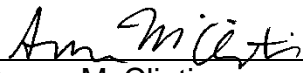
In this case, on [REDACTED] [REDACTED] 2022, Petitioner applied for MA-LTC. At the time of application, Petitioner had \$[REDACTED] in a bank account. The asset limit for MA-LTC is \$4,000. Therefore, Petitioner was over the asset limit and the denial for excess assets was proper and correct. BEM 400 Petitioner was not receiving nursing home care in April 2022. Petitioner returned to the nursing home in May 2022. If Petitioner is under the asset limit and believes she is otherwise eligible she is advised to reapply.

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 application due to excess assets.

### **DECISION AND ORDER**

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

AM/nr

  
\_\_\_\_\_  
Aaron McClintic  
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**  
Barbara Hamilton  
Lenawee County DHHS  
1040 South Winter Street  
Ste. 3013  
Adrian, MI 49221

**Interested Parties**  
Lenawee County DHHS  
BSC4  
D. Smith  
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**Via First Class Mail :**

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**Petitioner**  
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[REDACTED]  
[REDACTED], MI [REDACTED]