



GRETCHEN WHITMER
GOVERNOR

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

ORLENE HAWKS
DIRECTOR

[REDACTED]
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Date Mailed: December 29, 2022
MOAHR Docket No.: 22-004280
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Zainab A. Baydoun

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 November 30, 2022, from Detroit, Michigan. The Petitioner was represented by her Authorized Hearing Representative (AHR) [REDACTED]. The Department of Health and Human Services (Department) was represented by Joanna Rivera, Assistance Payments Supervisor.

ISSUE

Did the Department properly deny Petitioner's application for Medical Assistance (MA) benefits 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 or around [REDACTED] 2022, Petitioner submitted an application requesting MA benefits.
2. In connection with the application, the Department requested that Petitioner submit verification of her assets.
3. On or around September 12, 2022, Petitioner submitted three bank statements for the period of August 1, 2022 through [REDACTED] 2022, showing the balance of her bank accounts with Genisys Credit Union. (Exhibit B).
4. On or around September 14, 2022, the Department sent Petitioner a Health Care Coverage Determination Notice (Notice) advising her that effective August 1, 2022,

she was determined ineligible for MA because the value of her countable assets is higher than allowed. (Exhibit A, pp. 9-11)

5. On or around September 19, 2022, a hearing was requested on Petitioner's behalf, disputing the Department's denial of her MA application. (Exhibit A, pp. 3-5)

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, the Department contended that Petitioner was ineligible for MA because the value of her countable assets exceeded the limit for MA eligibility. Asset eligibility is required for MA coverage under SSI-related MA categories, which are categories providing MA coverage to individuals who are aged, blind or disabled. BEM 400 (April 2022), p. 1-2, 6; BEM 105 (January 2022), p. 1. Checking and savings accounts are assets. The Department will consider the value of cash assets (which includes money in checking and savings accounts) in determining a client's asset eligibility for MA. BEM 400, pp. 14-15. Asset eligibility will exist when the asset group's countable assets are less than, or equal to, the applicable asset limit at least one day during the month being tested. BEM 400, p. 6. The asset limit for Petitioner's MA asset group size of one is \$2,000. BEM 400, pp. 7-9; BEM 211 (January 2016), pp. 1-8.

It was established that Petitioner is potentially eligible for MA under an SSI-related category that is subject to an asset test. Although the Department did not present an MA Asset Budget for review showing the exact breakdown of assets considered, the Department testified that in making its determination that Petitioner had excess assets, the Department considered the value of her cash assets, specifically, the account balances reflected on the bank statements submitted from Petitioner's Genisys Credit Union accounts for the August 1, 2022, through [REDACTED] 2022, statement period. (Exhibit B). The Department representative testified that according to the bank statements submitted on September 12, 2022, the lowest balance in the three accounts for the month of August 2022 totaled around \$10,936.92. (Exhibit B). Although there was some discussion on the record that Petitioner and/or her AHR failed to submit requested verifications of additional assets including annuity resources and stocks, the

Department representative testified that even not having considered those additional assets, the value of the cash assets in Petitioner's bank accounts alone exceeded the asset limit.


At the hearing, Petitioner's AHR confirmed that at the time of the application, there may have been around \$10,000 in Petitioner's bank accounts. Petitioner's AHR asserted that Petitioner's cash assets have since been decreased significantly, as funds have been used towards Petitioner's cost of medical and long-term care. Petitioner's AHR asserted that as of the hearing date, the assets are likely below the \$2000 asset limit. As referenced above, the Department is to determine asset eligibility in the application month. Therefore, because the value of Petitioner's cash assets in the month of August 2022 was greater than the \$2,000 asset limit, Petitioner was ineligible for MA.

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] 2022, MA application. Petitioner is advised that she is entitled to submit a new application for MA benefits and her eligibility will be determined as of the application date.

DECISION AND ORDER

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

ZB/ml



Zainab A. Baydoun
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
Linda Gooden
Oakland County Southfield District III
25620 W. 8 Mile Rd
Southfield, MI 48033
**MDHHS-Oakland-6303-
Hearings@michigan.gov**

Interested Parties

BSC4
C George
EQAD
MOAHR

Via First Class Mail :

Petitioner

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██████████, MI ██████████

Authorized Hearing Rep.

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