



GRETCHEN WHITMER  
GOVERNOR

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

ORLENE HAWKS  
DIRECTOR

████████████████████  
████████████████████  
████████████████████, MI ██████████

Date Mailed: April 10, 2023  
MOAHR Docket No.: 23-000611  
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 March 15, 2023, from Lansing, Michigan. The Petitioner was represented by Stacey Baragar. ██████████ ██████████ also appeared and testified for the Petitioner. The Department of Health and Human Services (Department) was represented by Dawn Berridge. Department Exhibit 1, pp. 1-11 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 October 23, 2022, Petitioner passed away.
3. On November 28, 2022, a Health Care Coverage Determination Notice was sent to Petitioner informing him that his MA application was denied due to excess assets. (Ex. 1, pp. 6-11)
4. On January 30, 2023, Petitioner Authorized representative requested hearing.

5. At hearing Petitioner's Authorized Representative Stacey Baragar and [REDACTED] [REDACTED] that they were no longer pursuing coverage for Petitioner for the month 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.


In this case, Petitioner's MA application was denied due to excess assets on November 28, 2022, Petitioner's Authorized Representative Stacey Baragar and Petitioner's daughter [REDACTED] [REDACTED] testified at hearing that they were no longer pursuing coverage for Petitioner's month of application October 2022.

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**  
Randall Pierson  
Ottawa County DHS  
12185 James St Suite 200  
Holland, MI 49424  
**MDHHS-Ottawa-  
Hearings@michigan.gov**

**Interested Parties**  
Ottawa County DHHS  
BSC3  
D. Smith  
EQAD  
MOAHR

**Via-First Class Mail :**

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

**Authorized Hearing Rep.**  
Stacey Baragar  
The Laurels of Hudsonville  
Hudsonville, MI 49426