



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 31, 2023
MOAHR Docket No.: 23-003616
Agency No.: ██████████
Petitioner: ██████ ██████

ADMINISTRATIVE LAW JUDGE: Kevin Scully

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; 45 CFR 99.1 to 99.33; and 45 CFR 205.10. After due notice, a telephone hearing was held on July 26, 2023, from Lansing, Michigan. Petitioner represented herself. The Department was represented by Karen Smalls.

ISSUE

Did the Department of Health and Human Services (Department) properly determine Petitioner's eligibility 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. Petitioner applied for Medical Assistance (MA) on ██████ 2023.
2. Petitioner provided the Department with copies of her bank statements showing that she possessed cash assets exceeding \$2,000 in May of 2023. Exhibit A, pp 7-13.
3. On June 12, 2023, the Department notified Petitioner that she was not eligible for Medical Assistance (MA) as of May 1, 2023. Exhibit A, p 4.
4. On June 21, 2023, the Department received Petitioner's request for a hearing protesting her eligibility for Medical Assistance (MA). Exhibit A, p 3.

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 through 42 USC 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 through 42 CFR 420.25. The Department administers the MA program pursuant to 42 CFR 435, MCL 400.10, and MCL 400.103 through MCL 400.112k of the Social Welfare Act, MCL 400.1 *et seq.*

Assets means cash, any other personal property and real property. Real property is land and objects affixed to the land such as buildings, trees, and fences. Condominiums are real property. Personal property is any item subject to ownership that is not real property. Countable assets cannot exceed the applicable asset limit. An asset is countable if it meets the availability tests and is not excluded. Available means that someone in the asset group has the legal right to use or dispose of the asset. Department of Human Services Bridges Eligibility Manual (BEM) 400 (January 1, 2022), pp 1-7.

The asset limit for a disabled single person is \$2,000. BEM 400, p 8.

Petitioner applied for MA benefits on [REDACTED] 2023, and it was not disputed that she is disabled. For a disabled person, the countable asset limit for a single person is \$2,000. Petitioner's bank statements show that in May of 2023, she possessed cash assets exceeding \$2,000. Therefore, the Department notified Petitioner that he was not eligible for MA benefits as of May 1, 2023.

Petitioner argued that she previously received MA benefits in Michigan, but that full Medicaid had been denied after re-establishing her Michigan residency after spending time outside the state.

However, it was not disputed that Petitioner is a Michigan resident and her recently established residency in Michigan had no bearing on her eligibility for MA benefits.

Since her MA application was denied on June 12, 2023, Petitioner has re-applied for MA benefits. Petitioner argued that she should be eligible for full MA benefits but that she had been placed in a category of MA with a monthly deductible, sometimes referred to as a spend-down category.

Petitioner did not dispute that she received social security benefits based on her disability, and that she also receives additional social security benefits as a widow.

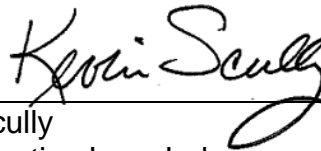
The income limit for Petitioner to receive full MA benefits without a deductible as a disabled person is 100% of the federal poverty level, which is \$1,215 per month for a household of one in 2023. Assuming that Petitioner is eligible for MA benefits based on her countable assets, Petitioner's gross monthly income exceeds the federal poverty level, and she is not eligible for "full Medicaid" without a monthly deductible.

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 determined Petitioner's eligibility for Medical Assistance (MA).

DECISION AND ORDER

Accordingly, the Department's decision is AFFIRMED.

KS/nr



Kevin Scully
Administrative Law Judge
Michigan Office of Administrative Hearings
and Rules (MOAHR)

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

