



STATE OF MICHIGAN

GRETCHEN WHITMER  
GOVERNOR

DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS  
MICHIGAN OFFICE OF ADMINISTRATIVE HEARINGS AND RULES  
SUZANNE SONNEBORN  
EXECUTIVE DIRECTOR

MARLON I. BROWN, DPA  
ACTING DIRECTOR

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██████████, MI ██████████

Date Mailed: August 25, 2023  
MOAHR Docket No.: 23-003684  
Agency No.: ██████████  
Petitioner: ██████████

**ADMINISTRATIVE LAW JUDGE: Colleen Lack**

**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 July 27, 2023, from Lansing, Michigan. ██████████ Petitioner, ██████████ wife, and ██████████ brother, appeared on Petitioner's behalf. ██████████ also provided interpretation services during the hearing. The Department of Health and Human Services (Department) was represented by Haysem Hosny, Hearing Coordinator.

During the hearing proceeding, the Department's Hearing Summary was admitted as Exhibit a, pp. 1-20.

**ISSUE**

Did the Department properly close 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 June 2, 2023, Petitioner submitted a Redetermination for his MA case. In part, it was reported that Petitioner's wife had a 401K with a value of \$98,693.00. Verification of the 401k balance was provided. (Exhibit A, pp. 8-15)

2. On June 13, 2023, Health Care Coverage Determination Notice was issued to Petitioner closing MA effective July 1, 2023 based on assets in excess of program limits. (Exhibit A, pp. 16-19)
3. On June 30, 2023, Petitioner filed a hearing request contesting the MA determination. (Exhibit A, pp. 4-7)

### **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.

Asset eligibility exists 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, January 1, 2023, pp. 6-7. For SSI related MA for a group of two the asset limit is \$3,000.00. BEM 400. p. 8.

In this case, on June 2, 2023, Petitioner submitted a Redetermination for his MA case. In part, it was reported that Petitioner's wife had a 401K with a value of \$98,693.00. Verification of the 401k balance was provided. (Exhibit A, pp. 8-15). Accordingly, on June 13, 2023, Health Care Coverage Determination Notice was issued to Petitioner closing MA effective July 1, 2023 based on assets in excess of program limits. (Exhibit A, pp. 16-19).

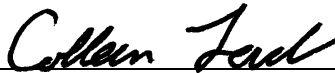
The testimony of Petitioner's brother addressed the high cost of Petitioner's medication, which will spend the value of the 401k quickly. (Brother Testimony). As discussed, Petitioner may wish to reapply for MA when the value of assets is below the income limit. Further, if there is a penalty for withdrawing from the 401K, Petitioner may wish to provide documentation of that to the Department.

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 closed Petitioner's MA case.

**DECISION AND ORDER**

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

CL/ml

  
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**Colleen Lack**  
Administrative Law Judge

