



GRETCHEN WHITMER  
GOVERNOR

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

MARLON I. BROWN, DPA  
DIRECTOR

[REDACTED], MI [REDACTED]

Date Mailed: March 15, 2024  
MOAHR Docket No.: 23-009889  
Agency No.: [REDACTED]  
Petitioner: [REDACTED]

**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 March 13, 2024, from Lansing, Michigan. Petitioner was represented by her Authorized Hearing Representative, [REDACTED] [REDACTED]. The Department was represented by Melissa Stanley.

### **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. On [REDACTED] [REDACTED] 2023, Petitioner filed an application for health coverage with the federal marketplace, which was transferred to the Department as an application for Medical Assistance (MA).
2. Petitioner is more than 64 years old.
3. On December 15, 2023, the Department notified Petitioner that she was eligible for limited coverage Medical Assistance (MA) under the Plan First category.
4. On [REDACTED] [REDACTED] 2023, the Department received Petitioner's application for Medical Assistance (MA).

5. On [REDACTED] [REDACTED] 2024, Petitioner filed an application for health coverage with the federal marketplace, which was transferred to the Department as an application for Medical Assistance (MA).
6. The Department received reliable information to establish that Petitioner's cash assets have exceeded \$2,000 in the previous 60 months.
7. On January 10, 2024, the Department requested that Petitioner provide verification of her cash assets and records of how her assets have been disposed of during the previous 60 months.
8. On December 28, 2023, the Department received Petitioner's request for a hearing protesting the level of Medical Assistance (MA) that she is receiving. Exhibit A, pp 4-5.

### **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 Food Assistance Program (FAP) is funded under the federal Supplemental Nutrition Assistance Program (SNAP) established by the Food and Nutrition Act of 2008, as amended, 7 USC 2011 through 7 USC 2036a. It is implemented by the federal regulations contained in 7 CFR 273. The Department administers FAP pursuant to MCL 400.10 of the Social Welfare Act, MCL 400.1 *et seq*, and Mich Admin Code, R 400.3001 through 400.3011.

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. The asset limit for a person over 64 years of age is \$2,000. Department of Human Services Bridges Eligibility Manual (BEM) 400 (January 1, 2022), pp 1-8.

Petitioner filed two applications for health coverage with the federal marketplace and one application with the Department. It was not disputed during the hearing that Petitioner is considered aged and that she holds in acceptable immigration status. During the processing of Petitioner's application for MA benefits, the Department received reliable information that Petitioner has held cash assets exceeding \$2,000 during the previous 60 months. It was reported to the Department that Petitioner previously was the owner of a business, but that business has been sold.

Divestment means the transfer of a resource and during the look back period, which is 60 months, for less than fair market value and results in a penalty period, not ineligibility. Department of Health and Human Services Bridges Eligibility Manual (BEM) 405 (January 1, 2024), pp 1-8.

On January 10, 2024, the Department requested that Petitioner provide verification of her assets and how those assets have been disposed of during the previous 60 months. Petitioner's representative testified that 3 months of bank records were submitted to the Department. Petitioner's representative does not dispute that Petitioner previously owned a business and the representative testified that the business was sold for \$8,000.

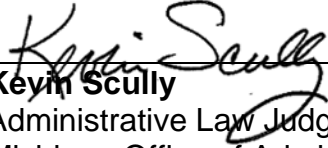
The hearing record supports a finding that Petitioner failed to verify that her cash assets do not exceed \$2,000, and failed to verify that she did not dispose of her available assets for the purposes of becoming eligible for MA benefits.

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 that Petitioner's eligibility for Medical Assistance (MA) is limited to the Plan First category, and that Petitioner failed to establish her eligibility for any other category of benefits.

**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

**Via-Electronic Mail :**

**DHHS**  
Elisa Daly  
Saginaw County DHHS  
411 East Genesee  
Saginaw, MI 48607  
**MDHHS-Saginaw-  
Hearings@michigan.gov**

**Interested Parties**  
Saginaw County DHHS  
BSC2  
M. Schaefer  
EQAD  
MOAHR

**Via-First Class Mail :**

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

**Authorized Hearing Rep.**  
[REDACTED]  
[REDACTED]  
[REDACTED], MI [REDACTED]