



GRETCHEN WHITMER
GOVERNOR

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

MARLON I. BROWN, DPA
DIRECTOR

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Date Mailed: February 29, 2024
MOAHR Docket No.: 24-000222
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 February 27, 2024, from Lansing, Michigan. Petitioner was represented by his son ██████ ██████ and Petitioner was present for the hearing. The Department was represented by Dania Ajami.

ISSUE

Did the Department of Health and Human Services (Department) properly close Petitioner’s Medical Assistance (MA) benefits?

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 was an ongoing recipient of Medical Assistance (MA) on November ██████ 2023, when the Department received his completed Redetermination (DHS-1010) form.
2. Petitioner is over 64 years of age and lives with his wife.
3. The Department received reliable information that Petitioner had \$ ██████ in a bank account in November of 2023.
4. On January 2, 2024, the Department received Petitioner’s request for a hearing.

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, 2024), pp 1-7.

The asset limit for a person over 64 years of age is \$3,000 for a married couple. BEM 400, p 7.

Petitioner was an ongoing recipient of MA benefits when the Department initiated a review of his eligibility for ongoing benefits following the closure of emergency rules put in place during the COVID-19 pandemic. The Department received Petitioner's completed Redetermination form on November █ 2023. Petitioner is over 64 years of age, and he lives with his wife. Based on Petitioner's age, he is not eligible for any category of MA that does not have an asset test. The asset limit for a married person over 64 years of age is \$3,000. When the Department received reliable information showing that Petitioner had available cash assets exceeding \$3,000 in November of 2023, the Department notified Petitioner that he was no longer eligible for MA benefits under any category.

Petitioner's authorized hearing representative argued that a portion of the assets in the bank account belonged to another family member. Petitioner's representative testified that Petitioner has reapplied and no longer has available assets exceeding \$3,000.

If Petitioner's circumstances have changed, then his eligibility for MA benefits may have also changed, but the hearing record supports a finding that the Department properly determined that Petitioner was not eligible for ongoing MA based on his circumstances in November of 2023.


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 Medical Assistance (MA) benefits effective January 1, 2024.

DECISION AND ORDER

Accordingly, the Department's decision is AFFIRMED.

KS/dm



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
Caryn Jackson
Wayne-Hamtramck-DHHS
**MDHHS-Wayne-55-
Hearings@michigan.gov**

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Via-First Class Mail :

Petitioner

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