



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



Date Mailed: May 10, 2024  
MOAHR Docket No.: 24-002269  
Agency No.: [REDACTED]  
Petitioner: [REDACTED]

**ADMINISTRATIVE LAW JUDGE: L. Alisyn Crawford**

### **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 April 10, 2024. Petitioner was present at the hearing and represented herself. Petitioner's daughter, [REDACTED] was also present at the hearing and provided testimony. The Department of Health and Human Services (Department) was represented by Chieaka Warren, Eligibility Specialist.

### **ISSUE**

Did the Department properly close Petitioner's Medical Assistance (MA) case?

### **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 MA benefits under the AD-Care program.
2. On or around February 2, 2024, Petitioner submitted a bank statement from Public Service Credit Union for a statement period of January 1, 2024 through January 31, 2024, which included joint checking and saving accounts. The ending balances were for these accounts were: (1) \$4,203.78 for the savings account; and (2) \$2,321.73 for the checking account. The accounts were jointly owned by Petitioner and her daughter. (Exhibit A, pp. 10-11).
3. On February 14, 2024, the Department sent Petitioner a Health Care Coverage Determination Notice (HCCDN) advising her that effective March 1, 2024, her MA case would be closed on the basis that the value of her countable assets is higher

than allowed for the program, and she is no longer eligible for MA benefits. (Exhibit A, pp. 6-9).

4. On February 28, 2024, Petitioner requested a hearing disputing the Department's action with respect to the closure of her MA benefits. (Exhibit A, pp. 3-4).

### **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 requested a hearing disputing the closure of her MA coverage. The Department contended that Petitioner was ineligible for MA benefits because the value of her countable assets exceeded the limit for MA eligibility.

Asset eligibility is required for MA coverage under SSI-related MA categories, which are categories providing MA coverage to individuals who are aged, blind or disabled. BEM 400 (January 2024), pp. 1-2, and 6-7; BEM 105 (January 2024), p. 1. Checking and savings accounts are assets. The Department will consider the value of cash assets (which includes money in checking and savings accounts) in determining a client's asset eligibility for MA. BEM 400, pp. 14-15. Asset eligibility will exist 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, p. 6. The asset limit for Petitioner's MA asset group size of one is \$2,000. BEM 400, p. 8; BEM 211 (October 2023), pp. 1-9. An asset must be available to be countable. Available means that someone in the asset group has the legal right to use or dispose of the asset. For jointly owned assets that have more than one owner, an asset is unavailable if all the following are true, and an owner cannot sell or spend their share of an asset: without another owner's consent, the other owner is not in the asset group, and the other owner refuses consent. BEM 400, p. 12.

At the hearing, Petitioner and her daughter testified that they were not aware that the existence of the savings account would negatively impact Petitioner's eligibility. Petitioner's daughter testified that the savings account was opened years ago with her as the sole owner of the account. When Petitioner began receiving RSDI benefits, her

daughter opened a joint checking account with her, and Petitioner was inadvertently added to the savings account as well. Petitioner testified that she does not use the savings account and none of her RSDI income goes into the savings account. Following her request for hearing, Petitioner was removed from the savings account and no longer has access to it. At the hearing, the Department advised Petitioner to resubmit a MA application and include the account change.

It was established that Petitioner is potentially eligible for MA under an SSI-related category that is subject to an asset test. Although the Department did not present an Asset Budget for review showing the exact breakdown of assets considered, the Department testified that in making its determination that Petitioner had excess assets, the Department relied on the information obtained from the bank statements submitted for review, specifically considering the value of the cash assets in the joint bank accounts held by Petitioner and her daughter, which were greater than \$2,000 for all days of the month. (Exhibit A, p. 10). The bank statements were discussed during the hearing. Petitioner confirmed that she was the joint owner of the bank account at issue. While Petitioner asserted that her income is not deposited into the account, Petitioner further confirmed that she has access to the joint account and is able to withdraw and deposit money in the account.

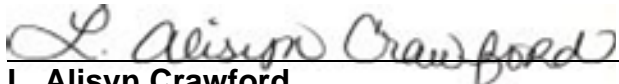
Therefore, because the value of Petitioner's cash assets was greater than the \$2,000 MA asset limit at the time of the Department's review, the Department properly closed Petitioner's MA case effective March 1, 2024 based on the bank statements submitted.

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 was ineligible for MA benefits due to excess assets.

### **DECISION AND ORDER**

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

LC/ml

  
**L. Alisyn Crawford**  
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**

Keisha Koger-Roper  
Wayne-District 31 (Grandmont)  
17455 Grand River  
Detroit, MI 48227

**MDHHS-Wayne-31-Grandmont-Hearings@Michigan.gov**

**Interested Parties**

BSC4  
M Schaefer  
EQAD  
MOAHR

**Via First Class Mail:**

**Petitioner**

[REDACTED]  
[REDACTED]  
[REDACTED], MI [REDACTED]