



GRETCHEN WHITMER  
GOVERNOR

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

MARLON BROWN  
DIRECTOR

[REDACTED]  
[REDACTED]  
[REDACTED]

Date Mailed: August 7, 2024  
MOAHR Docket No.: 24-006859  
Agency No.: [REDACTED]  
Petitioner: [REDACTED]

**ADMINISTRATIVE LAW JUDGE: Ellen McLemore**

### **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 August 5, 2024, via conference line. Petitioner was present and was unrepresented. The Department of Health and Human Services (Department) was represented by Shyla Coleman, Hearing Facilitator.

### **ISSUE**

Did the Department properly deny Petitioner's Medicare Savings Program (MSP) application?

### **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 April [REDACTED] 2024, Petitioner submitted an application for MSP benefits (Exhibit A, pp. 13-28).
2. On May [REDACTED] 2024, the Department sent Petitioner a Health Care Coverage Determination Notice informing her that she was not eligible for MSP benefits due to excess assets (Exhibit A, pp. 5-8).
3. On June 12, 2024, Petitioner submitted a request for hearing disputing the Department's actions.

## 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 submitted an application for MSP benefits on April [REDACTED] 2024. Petitioner reported that she had a brokerage account with a value of \$[REDACTED] a checking account with a value of \$[REDACTED] and an Individual Retirement Account (IRA) with a value of \$[REDACTED].

For MSP benefits, countable assets cannot exceed the limit under BEM 400. BEM 165 (January 2018), p. 8. Countable assets are determined based on MA policies in BEM 400, 401 and 402. BEM 165, p. 8. MSPs are SSI-related MA categories. BEM 165, p. 1. For SSI-Related Medicaid the department will utilize an asset verification program to electronically detect unreported assets belonging to applicants and beneficiaries. BEM 400 (January 2018), p. 1. Asset detection may include the following sources at financial institutions: checking, savings, and investment accounts, IRAs, treasury notes, certificates of deposit (CDs), annuities and any other asset that may be held or managed by a financial institution. BEM 400, p. 1. All types of assets are considered for SSI-related MA categories. BEM 400, p. 3. The value of a retirement plan is the amount of money the person can withdraw from the plan. BEM 400, p. 27. The Department will deduct any early withdrawal penalties, but not the amount of any taxes due. BEM 400, p. 27. Effective January 1, 2024, the asset limit for a group of one for MSP benefits is \$9,430. BEM 400, p. 8.

The Department testified that it closed Petitioner's MSP benefit case because she exceeded the asset limit. The Department presented Petitioner's application with her self-attested assets. Petitioner confirmed at the hearing those figures were correct. Petitioner's investment account, IRA and checking account are all countable assets. Petitioner's asset total well exceeds the asset limit for MSP benefits. Therefore, the Department properly denied Petitioner's application for MSP benefits.

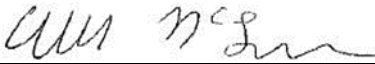
Petitioner argued that the Department closed her MSP benefit case prior to the April [REDACTED] 2024 application, as a result of excess income. Petitioner contended that her income did not exceed the limit for MSP benefits. However, Petitioner's argument regarding her

income is moot, as Petitioner also had excess assets at the time of her MSP case closure. Therefore, Petitioner's MSP benefit case was properly closed.

**DECISION AND ORDER**

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 MSP benefit case. Accordingly, the Department's decision is **AFFIRMED**.

EM/dm

  
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**Ellen McLemore**  
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**  
Jeanenne Broadnax  
Wayne-Taylor-DHHS  
**MDHHS-Wayne-18-  
Hearings@michigan.gov**

**SchaeferM**

**EQADHearings**

**BSC4HearingDecisions**

**MOAHR**

**Via-First Class Mail :**

[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]