



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] MI [REDACTED]

Date Mailed: December 10, 2024  
MOAHR Docket No.: 24-011667  
Agency No.: [REDACTED]  
Petitioner: [REDACTED]

**ADMINISTRATIVE LAW JUDGE: Aaron McClintic**

**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 November 21, 2024, from Lansing, Michigan. The Petitioner was represented by himself. The Department of Health and Human Services (Department) was represented by Melanie Huddleston Lead Worker. Department Exhibit 1, pp. 1-20 was received and admitted.

**ISSUE**

Did the Department properly close Petitioner's Medical Assistance (MA) and Medicare Savings Program benefits due to excess assets?

**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 July 25, 2024, Petitioner submitted redetermination paperwork including updated information about his bank accounts. Petitioner reported having \$19,000 in a bank account.
2. On September 3, 2024, a Health Care Coverage Determination Notice was sent to Petitioner informing him that his MA and Medicare Savings Program benefits closed due to excess income.
3. On October 10, 2024, Petitioner requested hearing disputing the closure of MA and Medicare Cost Share.
4. Petitioner submitted a bank statement from June 2024, that showed a low balance of \$19,059. (Ex.1, p.18)

### **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.

For all other SSI-related MA categories, the asset limit is \$2,000 for an asset group of one. BEM 400

For Medicare Savings Programs (BEM 165) the asset limit for an asset group of one is \$9,430 effective January 1, 2024. BEM 400

In the redetermination for this case, Petitioner submitted forms and bank account records showing that he had \$19,000 in his bank account. The asset limit for SSI related MA is \$2,000. The asset limit for Medicare Savings Program is \$9,430. Therefore, Petitioner is over the asset limit for both programs and the closures due to excess assets were proper and correct and consistent with Department policy. BEM 400

Petitioner testified at hearing that the monies in the bank account were from a lawsuit settlement and should not be considered income. It was explained that the closure was due to excess assets. Regardless of whether the monies in the account were from countable income, in the month following receipt of the income, the monies are a countable asset.

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 and Medicare Savings Program benefits due to excess assets.

**DECISION AND ORDER**

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

AM/ml



**Aaron McClintic**

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**

Andrea Stevenson - 17  
Chippewa County DHHS  
463 East 3 Mile Rd.

Sault Ste. Marie, MI 49783

**MDHHS-906EUPHearings@michigan.gov**

**Interested Parties**

BSC1

M Schaefer

EQAD

MOAHR

**Via First Class Mail:**

**Petitioner**

[REDACTED]

[REDACTED]

[REDACTED] MI [REDACTED]