



Date Mailed: November 18, 2025
Docket No.: 25-035699
Case No.: [REDACTED]
Petitioner: [REDACTED]

[REDACTED]
MI [REDACTED]

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এটি একটি গুরুত্বপূর্ণ আইনি ডকুমেন্ট। দয়া করে কেউ দস্তাবেজ অনুবাদ করুন।

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这是一份重要的法律文件。请让别人翻译文件。

Ky është një dokument ligjor i rëndësishëm. Ju lutem, kini dikë ta përktheni dokumentin.

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Case No.: [REDACTED]

Petitioner: [REDACTED]

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; and Mich Admin Code, R 792.11002. After due notice, a hearing was held via telephone conference on November 13, 2025. Petitioner appeared and was unrepresented. The Michigan Department of Health and Human Services (MDHHS or Department) was represented by Rosemary Molsbee Smith, Hearings Coordinator.

ISSUE

Did the Department properly determine Petitioner's Medical Assistance (MA) and Medicare Savings Program (MSP) benefit eligibility?

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] 2025, Petitioner submitted an application for MA benefits (Exhibit A, pp. 22-34).
2. Effective September 1, 2025, Petitioner was approved for MA benefits under the full coverage Healthy Michigan Plan (HMP) program.
3. Effective October 1, 2025, Petitioner became eligible for Medicare benefits.
4. On October 7, 2025, the Department sent Petitioner a Verification Checklist (VCL) requesting verification of her assets (Exhibit A, pp. 45-46).
5. Effective November 1, 2025, ongoing, Petitioner's MA benefit case was closed, and Petitioner was determined to be ineligible for MSP benefits due to excess assets.
6. 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

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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 MA benefits. Petitioner was approved under the full coverage HMP program. However, Petitioner became eligible for Medicare benefits effective October 1, 2025. Therefore, Petitioner was no longer eligible under the HMP program. The HMP program provides health care coverage for individuals who are: (i) 19-64 years of age; (ii) do not qualify for or are not enrolled in Medicare; (iii) do not qualify for or are not enrolled in other Medicaid programs; (iv) are not pregnant at the time of application; (v) meet Michigan residency requirements; (vi) meet Medicaid citizenship requirements; and (vii) have income at or below 133% of the Federal Poverty Level. BEM 137 (January 2018), p. 1. The Department assessed Petitioner's eligibility of the SSI-related MA programs. The Department determined that Petitioner had excess assets for SSI-related MA and for MSP benefits.

For SSI-related MA, countable assets cannot exceed the limit under BEM 400. BEM 165, p. 8. MSPs are also SSI-related MA categories. BEM 165, p. 1. Countable assets are determined based on MA policies in BEM 400, 401 and 402. BEM 165, p. 8. For SSI-Related Medicaid the department will utilize an asset verification program to electronically detect unreported assets belonging to applicants and beneficiaries. BEM 400 (October 2025), 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. For cash assets, the Department does not count funds treated as income by a program as an asset for the same month for the same program. BEM 400, p. 22. The asset limit for a group of one for SSI-related MA is \$2,000. BEM 400, p. 8. The asset limit for a group size of one for MSP benefits is \$9,660. BEM 400, p. 8.

At the hearing, the Department presented verification of Petitioner's assets showing she had \$ [REDACTED] in a retirement savings account, \$ [REDACTED] in an annuity and \$ [REDACTED] in her checking account. The Department determined that Petitioner was not eligible for MA or MSP benefits due to excess assets.

Petitioner first argued that the funds in her checking account should be excluded, as the monies in the account were from a retroactive social security payment. Petitioner reported that the retroactive payment was issued on May 28, 2025. Petitioner's retroactive social security payment is excludable for nine months from the date the payment was received. BEM 400, p. 23. Therefore, the funds in Petitioner's checking account are not countable.

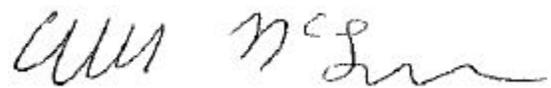
Petitioner had income in a retirement savings account in the amount of \$ [REDACTED] which is a countable asset per policy. The value of a retirement plan is the amount of money the person can withdraw from the plan. BEM 400, p. 27. The Department will deduct any early withdrawal penalties, but not the amount of any taxes due. BEM 400, p. 27.

Petitioner did not present any evidence regarding the amount of withdrawal penalties she would be assessed if the retirement funds were accessed. Petitioner argued that the current amount in the retirement account is less than \$9,000. However, at the time the Department determined Petitioner's eligibility, the amount in her retirement savings account well exceeded the asset limit for MA and MSP benefits. Therefore, the Department acted in accordance with policy when it closed her MA benefit case.

It should be noted that Petitioner also argued that her annuity was also not countable. However, as stated above, Petitioner's retirement account alone was over the asset limit for MA and MSP benefits.

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 determined Petitioner's MA and MSP eligibility. Accordingly, the Department's decision is **AFFIRMED**.



**ELLEN MCLEMORE
ADMINISTRATIVE LAW JUDGE**

APPEAL RIGHTS: Petitioner may appeal this Hearing Decision to the circuit court. Rules for appeals to the circuit court can be found in the Michigan Court Rules (MCR), including MCR 7.101 to MCR 7.123, available at the Michigan Courts website at courts.michigan.gov. The Michigan Office of Administrative Hearings and Rules (MOAHR) cannot provide legal advice, but assistance may be available through the State Bar of Michigan at <https://lrs.michbar.org> or Michigan Legal Help at <https://michiganlegalhelp.org>. A copy of the circuit court appeal should be sent to MOAHR. A circuit court appeal may result in a reversal of the Hearing Decision.

Either party who disagrees with this Hearing Decision may also send a written request for a rehearing and/or reconsideration to MOAHR within 30 days of the mailing date of this Hearing Decision. The request should include Petitioner's name, the docket number from page 1 of this Hearing Decision, an explanation of the specific reasons for the request, and any documents supporting the request. The request should be sent to MOAHR

- by email to MOAHR-BSD-Support@michigan.gov, **OR**
- by fax at (517) 763-0155, **OR**
- by mail addressed to
Michigan Office of Administrative Hearings and Rules
Rehearing/Reconsideration Request
P.O. Box 30639
Lansing Michigan 48909-8139

Documents sent via email are not secure and can be faxed or mailed to avoid any potential risks. Requests MOAHR receives more than 30 days from the mailing date of this Hearing Decision may be considered untimely and dismissed.



Via Electronic Mail:

Respondent

OAKLAND COUNTY DHHS - MADISON HTS DIST
30755 MONTPELIER DR
MADISON HTS, MI 48071
**MDHHS-OAKLAND-DISTRICTII-
HEARINGS@MICHIGAN.GOV**

Via First Class Mail:

Petitioner

[REDACTED]
[REDACTED] MI [REDACTED]