

Date Mailed: February 5, 2026

Docket No.: 25-046063

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 January 7, 2026. Petitioner was represented by her husband, [REDACTED]. [REDACTED] The Michigan Department of Health and Human Services (MDHHS or Department) was represented by Amber Gibson, Hearing Facilitator (HF).

During the hearing proceeding, the Department's Hearing Summary packet was admitted as Exhibit A, pp. 1-10.

Shortly after the hearing commenced, the timeliness of Petitioner's hearing request was discussed. In reviewing the case record, the HF found that the hearing request was originally filed on May 21, 2025. Accordingly, there is jurisdiction to review the April 23, 2025 eligibility determination.

ISSUE

Did the Department properly determine Petitioner's spouse's eligibility for the Medicare Savings Program (MSP)?

FINDINGS OF FACT

The Administrative Law Judge, based on the competent, material, and substantial evidence on the whole record, finds as material fact:

1. The Department determined that the countable assets totaled \$25,115.95. (Exhibit A, p. 7)
2. On April 23, 2025, a Health Care Coverage Determination Notice was issued to Petitioner denying MSP benefits for Petitioner's spouse as of June 1, 2025 based on assets in excess of program limits. (Exhibit A, pp. 8-10)
3. On May 21, 2025, Petitioner's spouse filed a hearing request contesting the Department's determination along with verification of assets. (Exhibit A, pp. 3-6; HF and Petitioner Tetimony)

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.

When an adult is applying for the Medicare Savings Program, the fiscal and asset group is the adult applicant and the spouse. BEM 211, October 1, 2023, p. 8.

Asset eligibility is required for SSI-related MA categories. Asset eligibility exists 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, March 1, 2025, p. 6. For the MSP, effective January 1, 2025, the asset limits are \$9,660.00 for a group of one, and \$14,470.00 for an asset group of two. BEM 400. p. 8. The Department will exclude one motorized vehicle owned by the asset group. BEM 400, p. 42.

Cash assets include: checking and draft accounts; savings and share accounts; money market accounts; and time deposits such as Certificates of Deposit (CDs). BEM 400, p. 16.

Retirement plans, including 401ks are counted as assets for SSI-Related MA. BEM 400, p. 28. The value of these plans is the amount of money the person can currently withdraw from the plan. Deduct any early withdrawal penalty, but not the amount of any taxes due. BEM 400, p. 29.

Assets include vehicles. The value of a vehicle is its equity value. Equity value is the fair market value minus the amount legally owed in a written lien provision. Liens must be on record with the Secretary of State or other appropriate agency. BEM 400, p. 41.

In this case, asset verifications were submitted for multiple accounts. The accounts at ██████████ Credit Union showed balances of \$595.22, \$175.13, \$57.91, \$5.11, and \$2,046.79. A 401k account with Principal showed a balance of \$17,591.39. (Exhibit A, pp. 4-6). The MA Asset screen shot shows that a vehicle valued at \$5,150.00 was also counted. (Exhibit A, p. 7). The HF confirmed that one vehicle was excluded and the second vehicle was counted as an asset. (HF Testimony).

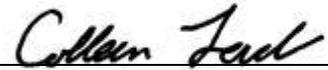
Petitioner's spouse described his health conditions, which prevent him from working. Expenses related to vehicles were also described. However, Petitioner did not dispute the value of the assets at the time of the April 23, 2025 determination. (Spouse Testimony).

Based on the submitted asset verifications, the Department properly determined that Petitioner's spouse was not eligible for the MSP due to assets that exceed program limits. As discussed, if there is a change in countable assets, Petitioner's spouse may wish to reapply for 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 spouse's eligibility for the Medicare Savings Program (MSP).

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



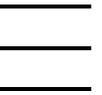
COLLEEN LACK
ADMINISTRATIVE LAW JUDGE

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.



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