

STATE OF MICHIGAN
STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES
ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF:

[REDACTED]

Reg. No.: 201034126
Issue No.: 2006
Case No.: [REDACTED]
Load No.: [REDACTED]
Hearing Date: July 26, 2010
Wayne County DHS (82)

ADMINISTRATIVE LAW JUDGE: Christian Gardocki

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37 upon the claimant's request for a hearing. After due notice, a telephone hearing was held on July 26, 2010. The claimant appeared and testified; [REDACTED] also appeared and testified on behalf of Claimant. On behalf of Department of Human Services (DHS), [REDACTED], Specialist, appeared and testified.

ISSUE

Whether DHS properly denied Claimant's 2/5/10 application for Medical Assistance (MA) benefits due to Claimant's failure to return verification of medical disability documents.

FINDINGS OF FACT

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

1. Claimant applied for MA benefits on 2/5/10.
2. Claimant asserted that he was disabled.
3. DHS mailed Claimant a Verification Checklist (DHS-3503) on 2/10/10.
4. The DHS-3503 requested various forms related to establishing Claimant's disability.

5. Due to delivery problems with the USPS, Claimant did not receive the DHS-3503.
6. On 4/6/10, DHS denied Claimant's MA benefit request after not receiving any of the requested documents from Claimant, including the DHS-49.
7. On 5/7/10, Claimant submitted a hearing request disputing the DHS denial of MA benefits claiming that he never received the DHS-3503.

CONCLUSIONS OF LAW

The Medical Assistance (MA) program is established by Title XIX of the Social Security Act and is implemented by Title 42 of the Code of Federal Regulations (CFR). The Department of Human Services (formerly known as the Family Independence Agency) administers the MA program pursuant to MCL 400.10, et seq., and MCL 400.105. Department policies are found in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Reference Tables Manual (RFT).

MA provides medical assistance to individuals and families who meet financial and nonfinancial eligibility factors. The goal of the MA program is to ensure that essential health care services are made available to those who otherwise would not have financial resources to purchase them.

For all programs, DHS must request verifications when required by policy. BAM 130 at 1. A client not eligible for RSDI based on disability or blindness must provide evidence of his disability or blindness. BEM 260 at 3. The verification of disability is established through various medical forms including: Social Summary (DHS-49-B), Medical-Social Questionnaire (DHS-49-F), and other evidence of the impairment (DHS-49 or DHS-49-D). It was not disputed that DHS sought appropriate documents relating to whether Claimant was disabled.

For MA requests, clients have 10 calendar days to provide requested verifications. BAM 130 at 5. If the client cannot provide the verification despite a reasonable effort, specialists are directed to extend the time limit up to three times. *Id.* A case action notice denying the MA request is mailed if the time period for submitting documents has passed and verifications are not received. *Id.*

In the present case, DHS requested necessary verifications on 2/10/10 and denied Claimant's request for MA benefits when Claimant failed to return the verifications by 4/6/10. DHS credibly testified that the request was mailed to the mailing address provided by Claimant. DHS also established that the verifications were required and that Claimant was given an appropriate time to return the verifications but failed to do so. Claimant's only contention was that he did not receive the request for verifications.

When mail is properly addressed and mailed, there is a presumption that the addressee received the mail. The presumption is rebuttable, not conclusive. The above rule is detailed in *Rosenthal v. Walker*, 111 U.S. 185, 193-94 (1884):

“The rule is well settled that if a letter properly directed is proved to have been either put into the post office or delivered to the postman, it is presumed, from the known course of business in the post office department, that it reached its destination at the regular time, and was received by the person to whom it was addressed. As was said by Gray, J., ‘the presumption so arising is not a conclusive presumption of law, but a mere inference of fact founded on the probability that the officers of the government will do their duty and the usual course of business, and when it is opposed by evidence that the letters never were received, must be weighed with all the other circumstances of the case, by the jury in determining the question whether the letters were actually received or not.’”

Claimant credibly testified that the United States Postal Service (USPS) was not reliably delivering mail to Claimant’s address. Claimant and his spouse further testified that they had multiple discussions with USPS supervisors about problems with mail delivery and as a result set up a post office box to have more reliable mail delivery. Based on the aforementioned testimony, it is found that Claimant did not receive the DHS-3503.

DHS policy does not explicitly require that clients actually receive requests for the request to be binding. Also, DHS could not have acted any more appropriately based on the information they were provided. However in the interest of fairness, the undersigned is not inclined to find that a client should lose benefits when it is established that mail was not received through no fault of the client. It is found that Claimant’s failure to receive the DHS-3503 is a basis to reinstate Claimant’s original request date for MA benefits.

DECISION AND ORDER

The actions taken by DHS are REVERSED. The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that DHS properly closed Claimant’s MA request, however, Claimant’s lack of receipt of the DHS-3503 justifies reinstatement of Claimant’s original MA request date. It is ordered that DHS reinstate Claimant’s MA request to 2/5/10 and that DHS again request necessary verifications

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from Claimant.

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/s/



Christian Gardocki
Administrative Law Judge
For Ismael Ahmed, Director
Department of Human Services

Date Signed: August 5, 2010

Date Mailed: August 5, 2010

NOTICE: Administrative Hearings may order a rehearing or reconsideration on either its own motion or at the request of a party within 30 days of the mailing date of this Decision and Order. Administrative Hearings will not order a rehearing or reconsideration on the Department's motion where the final decision cannot be implemented within 90 days of the filing of the original request.

The Claimant may appeal the Decision and Order to Circuit Court within 30 days of the mailing of the Decision and Order or, if a timely request for rehearing was made, within 30 days of the receipt date of the rehearing decision.

CG / hw

cc:

