

STATE OF MICHIGAN
STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES

ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF: [REDACTED],
Claimant

Reg. No.: 2010-4795
Issue No.: 2006
Case No.: [REDACTED]
Load No.: [REDACTED]
Hearing Date:
January 11, 2010
Macomb County DHS (20)

ADMINISTRATIVE LAW JUDGE: Linda Steadley Schwarb

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37 upon claimant's request for a hearing. After due notice, a hearing was held on January 11, 2010. Claimant appeared and testified. Claimant was represented by [REDACTED].

ISSUE

Did the Department of Human Services (DHS or department) follow policy in denying claimant's application for Medical Assistance (MA-P) based upon failure to provide verification of eligibility?

FINDINGS OF FACT

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

- 1) On March 26, 2009, an application for MA was filed on behalf of claimant by her Authorized Representative (A.R.).

- 2) On May 4, 2009, the department mailed, via the U.S. Postal Authority, a written request for verification to claimant and her A.R. The document indicated that the items of verification were due on May 14, 2009. (Department Exhibit #1 and #3.)
- 3) Thereafter, the department had no contact with claimant or her A.R.
- 4) The department did not receive the requested items of verification from claimant or her A.R.
- 5) On June 10, 2009, the department denied claimant's application for benefits based upon failure to "verify identification, citizenship, assets."
- 6) On June 22, 2009, claimant's A.R. requested a hearing on claimant's behalf to protest the department's determination.
- 7) The department did not receive either of the May 4, 2009, mailings (requests for verification to claimant and her A.R.) back from the U.S. Postal Authority as undeliverable.

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 (DHS or department) administers the MA program pursuant to MCL 400.10, *et seq.*, and MCL 400.105. Department policies are found in the Program Administrative Manual (PAM), the Program Eligibility Manual (PEM) and the Program Reference Manual (PRM).

Relevant departmental policy in this matter is as follows:

Verification means documentation or other evidence to establish the accuracy of the client's verbal or written statements ...

Verification is usually required at application/redetermination and for a reported change affecting eligibility or benefit level. BAM Item 130, p. 1.

Tell the client what verification is required, how to obtain it, and the due date. BAM Item 130, p. 2.

The client must obtain required verification, but you must assist if they need and request help...

Citizenship and identity must be verified for clients claiming US citizenship for applicants and recipients of FIP, SDA and MA. BAM Item 130, p. 3.

Allow the client 10 calendar days (or other time limit specified in policy) to provide the verification you request. BAM Item 130, p. 4.

Send a negative action notice when:

- The client indicates refusal to provide a verification, or
- The time period has elapsed.

Only adequate notice is required for an application denial. BAM Item 130, p. 5.

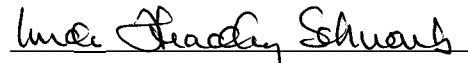
In this case, on the one hand, the department maintains that it mailed a written request for verification to claimant and her A.R. The department says the mailings were not returned by the US Postal Authority to the department as undeliverable. On the other hand, claimant and her A.R. maintained that they did not receive the mailing which requested items of verification. Claimant acknowledges that she was not in her home at the time of the mailing and that no one was collecting her mail. The presumption in the law is that the proper mailing and address of a letter creates a presumption of receipt. That presumption may be rebutted by evidence. *Stacey v Sankovich*, 19 Mich App 638 (1969); *Good v Detroit Automobile Inter-Insurance Exchange*, 67 Mich App 270 (1976).

After careful review of law and policy, the undersigned Administrative Law Judge finds that the department did follow policy in this matter. The record supports a finding that the

department properly mailed and addressed written requests for verification to claimant and her A.R. The mailings were not returned to the department by the US Postal Authority as undeliverable. The time period for provision of the requested items of verification elapsed and the department properly denied the application. Accordingly, the department's actions in this matter must be upheld.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the Department of Human Services followed policy in denying claimant's application for Medical Assistance based upon failure to provide verification of eligibility. Accordingly, the department's action in this matter must be affirmed.


Linda Steadley Schwarz
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: March 2, 2010

Date Mailed: March 9, 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.

LSS/pf

cc:

