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: 201047960
Issue No: 2006
Case No: [redacted]
Load No:
Hearing Date:
September 14, 2010
Ingham County DHS

ADMINISTRATIVE LAW JUDGE: Kevin Scully

HEARING DECISION

This matter is before the undersigned Administrative Law Judge by authority of MCL 400.9 and MCL 400.37. Claimant's request for a hearing was received on June 4, 2010. After due notice, a telephone hearing was held on Tuesday, September 14, 2010.

ISSUE

Whether the Department of Human Services (Department) properly determined the Claimant's Medical Assistance (MA) 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. The Claimant was an ongoing MA recipient.

2. On February 9, 2010, the Department sent the Claimant a Redetermination form with a due date of March 1, 2010. Department Exhibits 1 – 4.

3. On March 26, 2010, the Department sent the Claimant a Verification Checklist form with a due date of April 5, 2010. Department Exhibits 5 – 6.

4. On April 20, 2010, the Department notified the Claimant that it was terminating her MA benefits. Department Exhibits 7 – 9.

5. The Department received the Claimant's request for a hearing on June 4, 2010, protesting the termination of her Ma benefits.

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 Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM), Reference Table Manual (RFT), and the Bridges Reference Manual (BRM).

The Claimant was receiving MA benefits when the Department conducted a routine review of her eligibility. On February 9, 2010, the Department sent the Claimant a Redetermination form with a due date of March 1, 2010. The Claimant returned the Redetermination form and indicated that she had savings and checking accounts. On March 26, 2010, the Department sent the Claimant a Verification Checklist form with a due date of April 5, 2010. The Department requested copies of the Claimant's bank statements. When the Department did not receive the verification documents it requested, it notified the Claimant that it was terminating her MA benefits for failure to provide information necessary to determine eligibility.

The Claimant argued that she did not receive the Verification Checklist.

The Department testified that it mailed the Claimant the Verification Checklist at her current mailing address. The proper mailing and addressing 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). In this case, the Claimant failed to rebut the presumption of receipt.

Based on the evidence and testimony available during the hearing, the Department has established that it acted in accordance with policy when it terminated the Claimant's MA benefits for failure to provide information necessary to determine eligibility.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the Department acted in accordance with policy in determining the Claimant's MA eligibility.

The Department's MA eligibility determination is AFFIRMED. It is SO ORDERED.

/s/_____
Kevin Scully
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: September 30, 2010

Date Mailed: October 1, 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 60 days of the filing of the original request.

The Claimant may appeal the Decision and Order to Circuit Court within 30 days of the receipt 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.

KS/vc

cc: [redacted]