

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: 201044262
Issue No: 1005; 2006
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
August 19, 2010
Wayne County DHS

ADMINISTRATIVE LAW JUDGE: Robert J. Chavez

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 August 19, 2010.

ISSUE

Was the claimant's FIP and Medicaid case properly placed into closure for a failure to provide a redetermination form?

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 was a FIP and MA recipient in Wayne County.
- (2) On May 12, 2010, Central Print in Lansing allegedly sent claimant a DHS-1010, Redetermination application.
- (3) This notice scheduled an in-person interview for June 3, 2010.
- (4) Claimant never received this notice.

- (5) No testimony could be presented as to whether this notice was actually sent.
- (6) Claimant did not attend the interview and did not turn in verifications.
- (7) No evidence was presented as to whether the claimant received or was sent a notice of missed interview, or was made aware that there was a problem with her case.
- (8) On July 1, 2010, claimant's FIP and MA case was placed into closure for a failure to return her redetermination form and attend an in-person interview.
- (9) On July 16, 2010, claimant filed a request for hearing.
- (10) Claimant subsequently reapplied for FIP and MA benefits on July 19, 2010, and was approved for those benefits.

CONCLUSIONS OF LAW

The Family Independence Program (FIP) was established pursuant to the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, Public Law 104-193, 8 USC 601, *et seq.* The Department of Human Services (DHS or Department) administers the FIP program pursuant to MCL 400.10, *et seq.*, and MAC R 400.3101-3131. The FIP program replaced the Aid to Dependent Children (ADC) program effective October 1, 1996. Department policies are found in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Bridges Reference Manual (BRM).

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) and the Bridges Reference Manual (BRM) and Reference Tables (RFT).

A DHS-1010, Redetermination, must be completed when eligibility is determined. BAM 210. An application is considered incomplete until it contains enough information to determine eligibility. BAM 115. Eligibility is determined through a claimant's verbal and written statements; however, verification is required to establish the accuracy of a claimant's verbal and written statements. Verification must be obtained when required by policy, or when information regarding an eligibility factor is incomplete, inconsistent, or contradictory. An application that remains incomplete may be denied. BAM 130. All sources of income must be verified. BEM 500.

In the current case, the Department contends that claimant did not return her redetermination form or attend an interview, as required by the regulations, and therefore had her benefit case placed into closure because the Department was unable to determine eligibility.

Claimant contends that she did not receive the redetermination form, the notifications of interview, or the request for verifications, and therefore, could not have returned them as requested.

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).

However, at the hearing no evidence was presented, beyond a printout of a correspondence history, that the redetermination forms were ever properly mailed or

addressed. While the correspondence history is useful in determining that Department records show that the packet was recorded as mailed, it does nothing to show that the packet was properly addressed or actually placed in the mail. The Department representative could not testify as to whether the packet had actually been mailed, as the packet was mailed from a central location in Lansing, and the representative was never involved in the process.

Furthermore, the Administrative Law Judge has determined that the claimant is credible, and thus finds her statement credible that she did not receive the redetermination packet. Furthermore, the claimant's demeanor, manner, and testimony at the hearing painted a picture of credibility, and the undersigned, as the principal finder of fact, is willing to accept claimant's version of events. Claimant further testified that she has had difficulty in receiving redetermination packets in the past. Finally, claimant was not sent any notification that she had missed her interview, and therefore, had no reason to suspect that there was anything wrong with her case.

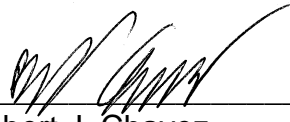
Therefore, for these reasons, the undersigned finds that claimant did not receive her redetermination packet; the Department should re-send the packet if it finds that it still needs a completed redetermination packet, in light of claimant's subsequent and approved application of July 19, 2010.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the Department's decision to place claimant's assistance case into closure was incorrect.

Accordingly, the Department's decision in the above stated matter is, hereby, REVERSED.

The Department is ORDERED to reinstate claimant's FIP and MA benefits retroactive to the date of negative action, and issue any supplemental benefits, retroactive to that date of negative action, to which the claimant is otherwise entitled.



Robert J. Chavez
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: 08/26/10

Date Mailed: 08/27/10

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.

RJC/dj

cc:

