

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.: 2010-45400
Issue No.: 2006
Case No.: [REDACTED]
Load No.: [REDACTED]
Hearing Date: October 21, 2010
Oakland County DHS (02)

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 October 21, 2010. The claimant appeared and testified. On behalf of Department of Human Services (DHS), [REDACTED], Specialist, appeared and testified.

ISSUE

Whether DHS properly terminated Claimant's ongoing Medical Assistance (MA) benefits due to a failure by Claimant to return the 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 an ongoing MA recipient receiving MA benefits for her child, [REDACTED]
2. Claimant's MA benefits period was scheduled to end 4/30/10.
3. On 3/16/10, DHS mailed Claimant a Healthy Kids Redetermination Notice (Exhibit 1) to continue her child's MA coverage.
4. Claimant failed to return the Healthy Kids Redetermination Notice to DHS.

5. On 4/19/10, DHS mailed Claimant a Notice of Case Action (Exhibit 2) notifying Claimant that her child's MA benefits would end 4/30/10 due to a failure to return the Healthy Kids Redetermination Notice.
6. Claimant requested a hearing on 4/30/10 disputing the termination of 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 (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.

DHS must periodically redetermine an individual's eligibility for benefit programs. BAM 210 at 1. A complete redetermination is required at least every 12 months. *Id.* 3

The redetermination process begins with DHS mailing a redetermination packet in the month prior to the end of the benefit period. *Id.* at 4. The packet consists of forms and requests for verification that are necessary for DHS to process the redetermination. The forms needed for redetermination vary based on the program scheduled for review. A Healthy Kids Redetermination Notice (Exhibit 1) is an acceptable redetermination document for MA benefit redeterminations. Failure by a client to submit any of the needed documents during the benefits period results in denial of the redetermination and case closure. *Id.*

In the present case, DHS terminated Claimant's MA benefits due to a failure by Claimant to return the Healthy Kids Redetermination Notice. Claimant acknowledges not returning the form but contends that she never received the form.

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 the present case, DHS submitted the Healthy Kids Redetermination Notice (Exhibit 1) that was mailed by Bridges, the DHS database and mailing system. The document

correctly stated Claimant's verified mailing address. No evidence was provided that would bring into doubt whether DHS properly mailed the redetermination form. It is presumed that the Healthy Kids Redetermination Notice was received by Claimant.

Claimant attempted to rebut the presumption of receipt through testimony. Claimant stated that she did not receive the Redetermination of Healthy Kids and that she had prior problems receiving her mail. Claimant testified that she did not contact the United States Post Office concerning her mail problems. Though Claimant's testimony was not inconsistent or contradictory, by itself, it was not sufficient to rebut the presumption of mailing established by DHS. If Claimant had ongoing problems receiving mail it would be Claimant's responsibility to attempt to correct the problem with the U.S. Post Office. Ideally, Claimant would have provided testimony and documentation concerning attempts to resolve the problem of receiving mail with the U.S. Post Office; no such evidence was provided. It is found that Claimant received the Healthy Kids Redetermination Notice dated 3/16/10. Accordingly, DHS properly terminated Claimant's MA benefits effective 4/30/10 due to Claimant's failure to return the required form.

As discussed during the administrative hearing, Claimant can always reapply for benefits. Claimant stated that she and her child currently have no unpaid medical expenses since the termination of the MA benefits. DHS regulations also allow retroactive Medicaid for up to three full months prior to the date of application. Thus, Claimant could reapply for MA benefits as late as 1/31/11 and still potentially be eligible to receive assistance with medical expenses for 10/2010.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that DHS properly terminated Claimant's MA benefits based on Claimant's failure to return a required redetermination form. The actions taken by DHS are AFFIRMED.



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

Date Signed: 10/27/2010

Date Mailed: 10/27/2010

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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.

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