STATE OF MICHIGAN
MICHIGAN ADMINISTRATIVE HEARING SYSTEM
ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF:

█████████████
██████████████

Reg. No:     2011-3277
Issue No:    2006
Case No:     ████████
Hearing Date:February 24, 2011
**Clinton** County DHS

**ADMINISTRATIVE LAW JUDGE:  Gary F. Heisler**

## 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 February 24, 2011. Claimant appeared and testified.

## ISSUE

Did the Department of Human Services properly deny Claimant's August 26, 2010 application for Medical Assistance (MA)?

## 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 August 26, 2010, Claimant submitted an application for Medical Assistance (MA) benefits.

2. On September 17, 2010, Claimant was sent a Verification Checklist (DHS Form 3503) for income and identification. The verifications were due back on September 27, 2010.

3. On October 11, 2010, the Department case worker telephoned Claimant and left a detailed message.

4. On October 12, 2010, all required verifications had not been received and Claimant had not returned the case worker's phone call. Claimant was sent an Application Eligibility Notice form (DHS-1150) stating her Medical Assistance (MA) application was denied.

5. On October 25, 2010, Claimant submitted a request for hearing.

## 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) and the Program Reference Manual (PRM).

At this hearing Claimant asserted she never received any mail from the Department prior to the denial. The record contains a copy of a Verification Checklist (DHS Form 3503) that was in Claimant's case file. No evidence in the record convinces this Administrative Law Judge that the Department case worker failed to mail the Verification Checklist (DHS Form 3503).

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).

On Claimant's application she listed two other members of her household. It is certainly possible Claimant herself never saw the Verification Checklist (DHS Form 3503). However, any events or circumstances at Claimant address of record that result in her not seeing correspondences from the Department, is not a failure of notice by the Department.

## DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides the Department of Human Services properly denied Claimant's August 26, 2010 application for Medical Assistance (MA).

It is ORDERED that the actions of the Department of Human Services, in this matter, are UPHELD.

/s/_____

Gary F. Heisler
Administrative Law Judge
for Maura D. Corrigan, Director
Department of Human Services

2011-3277/GFH

Date Signed:  July 28, 2011

Date Mailed:  July 29, 2011

**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.

GFH/vc

cc: