

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

IN THE MATTER OF:

[REDACTED]

Reg. No. 2011-35214
Issue No. 2001
Case No. [REDACTED]
Hearing Date: June 29, 2011
Wayne County DHS (57)

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 June 29, 2011 in Detroit, Michigan. The Claimant appeared and testified. On behalf of Department of Human Services (DHS), [REDACTED] Manager, appeared and testified.

ISSUE

Whether DHS properly terminated Claimant's Adult Medical Program (AMP) benefits effective 3/2011 based on Claimant's alleged failure to submit a Redetermination.

FINDINGS OF FACT

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

1. Claimant was an ongoing AMP benefit recipient.
2. Claimant's AMP benefit period was scheduled to end 2/28/11.
3. On 1/13/11, DHS mailed a Redetermination (DHS-1010) to Claimant.
4. On 2/17/11, DHS mailed a Notice of Case Action (Exhibit 1) informing Claimant of AMP termination based on a failure to return redetermination documents.
5. On 4/26/11, Claimant requested a hearing to dispute the termination of AMP benefits.

CONCLUSIONS OF LAW

The Adult Medical Program (AMP) is established by Title XXI of the Social Security Act; (1115) (a) (1) of the Social Security Act, and is administered by the DHS pursuant to MCL 400.10, *et seq.* DHS policies are found in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Reference Tables Manual (RFT). AMP benefits are part of the Medical Assistance (MA) program.

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). DHS 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).

The undersigned will refer to the DHS regulations in effect as of 2/2011, the month of the DHS decision which Claimant is disputing. Current DHS manuals may be found online at the following URL: <http://www.mfia.state.mi.us/olmweb/ex/html/>.

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.*

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 may vary though a Redetermination (DHS-1010) is an acceptable review form for all programs.

For AMP benefits, verifications are due the date the packet is due. *Id.* Bridges (the DHS database) allows clients a full 10 calendar days from the date the verification is requested (date of request is not counted) to provide all documents and information. *Id.* If the 10th day falls on a weekend or holiday, the verification would not be due until the next business day. *Id.* Bridges gives timely notice of the negative action if the time limit is not met.

In the present case, there was no dispute that Claimant failed to timely return a Redetermination to DHS and that DHS followed all necessary procedures in terminating Claimant's AMP benefits after DHS failed to receive the Redetermination. The only issue in dispute was whether Claimant received the Redetermination.

Claimant testified that he did not receive the Redetermination and that is why he failed to return it to DHS. DHS submitted a copy of the Redetermination (Exhibit 1) from their budgeting and mailing database, Bridges. The document verified a mailing address

identical to the one provided by Claimant at the hearing. The DHS database has been established to be a reliable method of mailing documents. Its automated mailing features minimizes, if not eliminates, human error from the mailing process. DHS also provided a copy of correspondence history (Exhibit 2), a record of documents mailed to Claimant. The Redetermination appeared on the correspondence history with a 1/12/11 print date. Based on the evidence, it is found that DHS properly addressed and mailed the Redetermination to Claimant.


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).

Claimant's only evidence that he did not receive the Redetermination was his testimony. In fairness to Claimant, it would be difficult to provide supporting evidence that a mailed letter was not received.

Claimant stated that after he received a 2/17/11 dated Notice of Case Action, he became aware that the AMP benefits were in danger of termination. Claimant provided some testimony that he contacted DHS about the closure but it was not established when he contacted DHS or how DHS failed to respond to Claimant's attempts at contact. Although Claimant's testimony was not inconsistent or contradictory, by itself, it was not sufficient to rebut the presumption of mailing established by DHS. It is found that DHS properly terminated Claimant's AMP benefits due to Claimant's failure to submit a Redetermination.

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 AMP benefits effective 3/2011. The actions taken by DHS are AFFIRMED.


Christian Gardocki
Administrative Law Judge
For Maura Corrigan, Director
Department of Human Services

Date Signed: July 6, 2011

Date Mailed: July 6, 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.

CG/cl

cc:

