

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 201255260
Issue No.: 2001
Case No.: [REDACTED]
Hearing Date: August 6, 2012
County: Oakland DHS (03)

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 following Claimant's request for a hearing. After due notice, a telephone hearing was held on August 6, 2012 from Detroit, Michigan. Participants included the above named claimant. Participants on behalf of Department of Human Services (DHS) included [REDACTED], Specialist, and [REDACTED], Manager.

ISSUE

The issue is whether DHS properly did not redetermine Claimant's eligibility for Adult Medical Program (AMP) benefits due to Claimant's failure to return a completed 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. On 8/16/11, DHS mailed Claimant a Redetermination (Exhibit 1).
3. Claimant failed to return the Redetermination or any other documents concerning ongoing AMP benefit eligibility.
4. On 2/18/12, DHS initiated termination of Claimant's AMP benefit eligibility effective 3/2012 due to a failure to return the Redetermination.

5. On 5/16/12, Claimant requested a hearing to dispute the termination of AMP benefit eligibility.

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.*. Department policies are found in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Reference Tables Manual (RFT).

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. Verifications for redetermination must be provided by the end of the current benefit period or within 10 days after they are requested, whichever allows more time. *Id.* at 12.

The present case concerns an issue concerning AMP benefit redetermination. DHS contended that Claimant was mailed a Redetermination but Claimant failed to return the form. Claimant conceded not returning the form, but stated that he never received the form. Thus, the correctness of AMP benefit termination rests on whether DHS mailed Claimant a Redetermination (Exhibit 1).

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).

DHS is known to mail documents through their computer system, Bridges, thereby reducing the element of human error. The mailing address on the Redetermination (Exhibit 1) matched Claimant's mailing address provided at the hearing. Claimant conceded that the address had not changed since the mailing of the Redetermination. No evidence other than Claimant's generic testimony was presented to raise doubts that the Redetermination was mailed and successfully delivered to Claimant's address.

It is also known that Claimant took 86 days to request a hearing after DHS mailed a Notice of Case Action informing Claimant of the AMP benefit termination. Claimant never persuasively clarified why he took so long to request a hearing. The relatively long time Claimant took to request a hearing is mildly relevant because it tends to be more representative of a client that ignores DHS correspondence.

It was somewhat concerning that DHS took several months between the time of the Redetermination mailing and the imposing of a benefit termination. It could be concluded that the DHS actions were representative of negligence. However, it was not established how the negligence impacted the present case as long as the Redetermination was mailed.

Based on the presented evidence, it is found that DHS mailed Claimant a Redetermination and that Claimant negligently failed to return the Redetermination to DHS. Accordingly, the AMP benefit termination is found to be proper.

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 benefit eligibility effective 3/2012 due to Claimant's failure to complete redetermination procedures. The actions taken by DHS are AFFIRMED.



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

Date Signed: August 13, 2012

Date Mailed: August 13, 2012

NOTICE: Michigan Administrative Hearing System (MAHS) 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. MAHS 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. (60 days for FAP cases).

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.

Claimant may request a rehearing or reconsideration for the following reasons:

- A rehearing **MAY** be granted if there is newly discovered evidence that could affect the outcome of the original hearing decision.
- A reconsideration **MAY** be granted for any of the following reasons:
 - misapplication of manual policy or law in the hearing decision,
 - typographical errors, mathematical error, or other obvious errors in the hearing decision that effect the substantial rights of the claimant:
 - the failure of the ALJ to address other relevant issues in the hearing decision.

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Request must be submitted through the local DHS office or directly to MAHS by mail to:

Michigan Administrative Hearings
Reconsideration/Rehearing Request
P. O. Box 30639
Lansing, Michigan 48909-07322

CG/hw

cc:

