

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

IN THE MATTER OF:

[REDACTED]

Reg. No. 2012-50339
Issue No. 2006
Case No. [REDACTED]
Hearing Date: August 30, 2012
Wayne County DHS (19)

ADMINISTRATIVE LAW JUDGE: Colleen M. Mamelka

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 conducted from Detroit, Michigan on Thursday, August 30, 2012. The Claimant appeared, along with [REDACTED], and testified. Participating on behalf of the Department of Human Services ("Department") was [REDACTED].

ISSUE

Whether the Department properly terminated the Claimant's Medical Assistance ("MA") case based on the Social Security Administration's ("SSA") determination that the Claimant was no longer eligible for SSI benefits?

FINDINGS OF FACT

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

1. The Claimant was an MA recipient with a deductible.
2. In March 2012, the SSA found the Claimant ineligible for SSI benefits.
3. In response, the Department mailed an application to the Claimant to determine if the Claimant was eligible under any other MA program. (Exhibit 1)
4. The application was not returned to the Department.
5. On April 2, 2012, the Department sent a Notice of Case Action to the Claimant, informing him that his SSI-related MA benefits would terminate

effective May 1, 2012 because he was not under 21, caretaker of a minor child in the home, 65 year or over, blind, or disabled. (Exhibit 2)

6. On April 27, 2012, the Department received the Claimant's timely written request for hearing. (Exhibit 3)

CONCLUSIONS OF LAW

The Medical Assistance ("MA") program is established by the 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 contained in the Bridges Administrative Manual ("BAM"), the Bridges Eligibility Manual ("BEM"), and the Reference Tables ("RFT").

The disability standard for both disability related MA and SSI is the same. BEM 271. Once an SSA determination that a disability or blindness does not exist becomes final, the MA case must be closed. BEM 260, BEM 271.

The proper addressing and mailing of a letter creates a legal presumption that it was received. *Stacey v Sankovich*, 19 Mich App 688, 694 (1969).

In this case, the SSA found the Claimant no longer eligible for SSI benefits. As a result, the Department was required to close the Claimant's MA case. Prior to closing, and pursuant to policy, the Department sent a DHS 1171 (application) to determine potential eligibility under another MA program. The application was not returned to the Department by the Claimant or the US Postmaster as undeliverable, resulting in the April 2, 2012 Notice of Case Action being mailed to the Claimant informing him that his MA benefits would terminate effective May 1, 2012. The Claimant testified that he did not receive the application sent by the Department; however, as discussed in *Stacey*, properly addressing and mailing a notice/letter creates a legal presumption that it was received. *Stacey*, at 694. Ultimately, under the facts presented, the Department established it acted in accordance with Department policy when it closed the Claimant's MA case after the SSA found the Claimant no longer eligible for SSI benefits. Accordingly, the Department's actions are upheld.

DECISION AND ORDER

The Administrative Law Judge, based on the above findings of fact and conclusions of law finds the Department acted in accordance with policy when it closed the Claimant's MA case after the SSA found the Claimant no longer eligible for SSI benefits.

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Accordingly, it is ORDERED:

The Department's determination is AFFIRMED.

Colleen M. Mamelka

Colleen M. Mamelka
Administrative Law Judge
For Maura Corrigan Director
Department of Human Services

Date Signed: September 19, 2012

Date Mailed: September 19, 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.

Request must be submitted through the local DHS office or directly to MAHS by mail at
Michigan Administrative Hearings
Reconsideration/Rehearing Request
P. O. Box 30639
Lansing, Michigan 48909-07322

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cc:

