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

### IN THE MATTER OF:



ADMINISTRATIVE LAW JUDGE: Kevin Scully

### **HEARING DECISION**

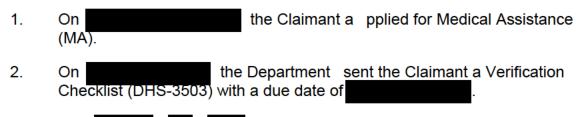
This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37 following Claim ant's request for a hearing. After due notice, a telephone hearing was held on participants on behalf of Claimant inc luded Participants on behalf of Department of Human Services (Department) included

## <u>ISSUE</u>

Whether the Department of Human Serv ices (Department) properly closed the Claimant's Medical Assistance (MA) for facility to provide the Department with information necessary to determine her continue deligibility to receive Medical Assistance (MA) benefits?

### FINDINGS OF FACT

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



3. On the Claimant's spouse and authorized representative requested that the Department change her mailing address from the Claimant's sister's address to his address.

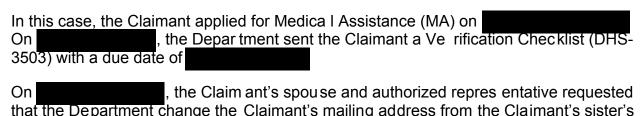
address to his address.

- 4. The Department extended the due date to return the Verification Checklist by 45 days.
- 5. On the Character of the Department closed the Claimant's Medical Assistance (MA) benefits for failure to supply the Department with information necessary to determine her eligibility to receive benefits.
- 6. The Department received the Cla imant's request for a hearing on protesting the cl osure of Medical Assistanc e (MA) benefits.

# **CONCLUSIONS OF LAW**

The Medical Assistance (MA) program is estab lished by Title XIX of the Social Sec urity 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), Reference Table Manual (RFT), and the Bridges Reference Manual (BRM).

Clients must cooperate with the local office in determining initial and ongoing eligibility. This includes the completion of necessary forms. Department of Human Services 1, 2013), p 5. Verification means Bridges Assistance Manual (BAM) 105 (March documentation or other evidence e to establish the accuracy of the client's verbal or written statements. Department of Human Services Bri dges Assistance Manual (BAM) 130 (May 1, 2012), p 1. Verific ation is usually required at application/redetermination and for a reported change affecting eliq ibility or benefit level when it is required by policy, required as a local office option, or information regarding an eligibility factor is unclear, inconsistent, incomplete, or contradictory. BAM 130. The Department uses documents, collateral contacts, or home calls to verify information. BAM 130. A collateral contact is a direct contact with a person, organization, or agency to verify information from the client. BAM 130. W hen documentation is not available, or clarification is needed, collateral contact may be necessary. BAM 130.



The Department informed the CI aimant's representative that the due date to return the Verification Checklist would be extended by 45 days.

On the Conference of the Department closed the Claimant's Medical Assistance (MA) benefits for failure to supply the Department with information necessary to determine her eligibility to receive benefits.

Based on the evidence and test imony available during the hearing, this Administrative Law Judge finds that the Claim ant failed to provide the Departm ent with information necessary to determine her eligibility to receive Medical Assistance (MA) in a timely manner.

The Claim ant's representative testified that he did not receive the r equest for information, and he would have provided the Department with the required information if he had received these notices.

The proper mailing an d addressing of a letter cr eates 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 this case, the Department provided the Claimant with a Verific ation Che cklist addressed to the Claimant's mailing ad dress of record as is required by De partment policy. The Claimant failed to rebut the pr esumption of receipt. The notice did not return to the Depart ment as undeliverable. The Representative contends that as the Claimant's representative, he is entitled to indepen dent notice of the Department's request for information.

There are two types of written notice: adequate and timely.

An adequate notice is a written notice sent to the client at the same time an action takes effect (not pended). Department of Human Services Bridges Assistance Manual (BAM) 220 (November 1, 2012), pp 2-3.

Timely notice is given for a negative action unless policy specifies adequate notice or no notice. A timely notic e is mailed at leas t 11 days before the intended ne gative action takes effect. The action is pended to prov ide the client a chance to react to the proposed action. BAM 220.

The Representative is not entitled to a hearing solely on the issue of notice when notice was sent to the client. The representative stands in the shoes of the client and does not retain rights which are separate from the client's.

Therefore, this Administrative Law Judge finds that the Department acted in accordance with its policies when it closed the Claimant's Medic al Assistance (MA) benefits for failure to provide the Department with necessary information to determine her eligibility to receive Medical Assistance (MA).

### **DECISION AND ORDER**

The Administrative Law Judge, based upon the above findings of fact and conclusion sof law, decides that the Department acted in accordance with policy when it closed the Claimant's Medical Assistance (MA) benefits for failing to provide the Department with information necessary to determine her eligibility.

The Department's Medical Assistance (MA) eligibility determination is **AFFIRMED**. It is **SO ORDERED**.

Kevin

Scully

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

Date Signed: <u>04/24/2013</u>

Date Mailed: <u>04/24/2013</u>

<u>NOTICE</u>: Michigan Administrative Hearing System (MAHS) may order a rehearing or reconsideration on either its own motion or at the request of a par ty within 30 days of the mailing date of this Dec ision and Order. MAHS will not order a rehearing or reconsideration on the Department's mo tion where the final decis ion 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 ti mely 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 disc overed evidence that could affect the outcome of the original hearing decision.
- A reconsideration <u>MAY</u> 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.

## 201313630/KS

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

Michigan Administrative hearings
Recons ideration/Rehearing Request
P. O. Box 30639
Lansing, Michigan 48909-07322

# KS/kl

