

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

IN THE MATTER OF:

████████████████████
████████████████████
████████████████████

Reg. No.: 2013-46491
Issue No.: 2018
Case No.: ██████████
Hearing Date: July 24, 2013
County: Wayne (35)

ADMINISTRATIVE LAW JUDGE: Eric Feldman

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 July 24, 2013, from Detroit, Michigan. Participants on behalf of Claimant included Claimant. Participants on behalf of the Department of Human Services (Department) included ██████████ Eligibility Specialist, and ██████████, Family Independence Specialist.

ISSUE

Did the Department properly deny Claimant's application close Claimant's case for:

- | | |
|--|---|
| <input type="checkbox"/> Family Independence Program (FIP)? | <input type="checkbox"/> Adult Medical Assistance (AMP)? |
| <input type="checkbox"/> Food Assistance Program (FAP)? | <input type="checkbox"/> State Disability Assistance (SDA)? |
| <input checked="" type="checkbox"/> Medical Assistance (MA)? | <input type="checkbox"/> Child Development and Care (CDC)? |

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 recipient of MA benefits. See Exhibit 1.
2. On February 21, 2013, the Department sent Claimant a Notice of Case Action notifying her that her MA benefits would close effective April 1, 2013, ongoing. Exhibit 1.

3. On May 7, 2013, Claimant filed a hearing request, protesting the closure of the case. Exhibit 1.

CONCLUSIONS OF LAW

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

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.

In this case, Claimant was an ongoing recipient of MA benefits. The Department testified that it conducted a redetermination in January 2013 and discovered that Claimant's child turned 18 in September 2012. The Department also testified that Claimant's child had graduated high school. Thus, on February 21, 2013, the Department sent Claimant a Notice of Case Action notifying her that her MA benefits would close effective April 1, 2013, ongoing, because she no longer qualified for the Group 2 Caretaker Relatives (G2C) MA coverage. Exhibit 1. The Department testified that it mostly likely conducted an *ex parte* review for the Claimant.

MA is available to parents and other caretaker relatives who meet the eligibility factors listed in BEM 135. BEM 135 (January 2011), p. 1. A caretaker relative is a person who is the parent of the dependent child. BEM 135, p. 1. The child meets the following age or age and school attendance requirement for the G2C program: he/she must be under age 18; or he/she must be age 18 and a full-time student in a high school or in the equivalent level of vocational or technical training as defined in FIP policy in BEM 245. BEM 135, pp. 7-8. He/she must be expected to complete his educational or training program before age 19. BEM 135, pp. 7-8.

At the hearing, Claimant testified that she went to a vision care provider on April 2, 2013. See Exhibit A. Claimant testified that she contacted her insurance provider and stated that she had MA coverage as of her appointment date. Moreover, Claimant testified that the vision care provider stated that she had current MA coverage on her April 2, 2013 appointment date.

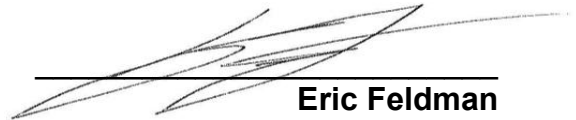
Moreover, Claimant contended that she did not receive the February 21, 2013 Notice of Case Action, which notified her that the MA coverage would be closed effective April 1, 2013, ongoing. Exhibit 1. The proper mailing and addressing of a letter creates a presumption of receipt which may be rebutted by evidence. *Stacey v Sankovich*, 19 Mich App 638 (1969); *Good v Detroit Automobile Inter-Insurance Exchange*, 67 Mich App 270 (1976). Claimant testified that she did receive her DHS mail in the past. However, Claimant testified that her mailing address is a training route by the post office. It should be noted that the Notice of Case Action was addressed to Claimant's proper residence. See Exhibit 1.

Based on the foregoing information and evidence, the Department properly closed Claimant's MA benefits effective April 1, 2013, in accordance with Department policy. First, Claimant does not qualify for G2C MA coverage as her child was over the age of 18 and had completed high school. See BEM 135, pp. 1-6. Second, Claimant failed to rebut the presumption of proper mailing. The Department properly mailed the Notice of Case Action to the Claimant at the correct residence. The Notice of Case Action placed Claimant on notice that she would not be eligible for MA coverage as of April 1, 2013. Even if Claimant indicated that she had MA coverage as of the April 2, 2013 appointment date, Claimant was notified by the Department properly on February 21, 2013 that she would not be eligible as of April 1, 2013, ongoing. See Exhibit 1. Thus, the Department acted in accordance with Department policy when it closed Claimant's MA case.

DECISION AND ORDER

The Administrative Law Judge, based upon the above Findings of Fact and Conclusions of Law, and for the reasons stated on the record, finds that the Department did act properly. did not act properly.

Accordingly, the Department's AMP FIP FAP MA SDA CDC decision is AFFIRMED REVERSED for the reasons stated on the record.



Eric Feldman
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: August 13, 2013

Date Mailed: August 13, 2013

NOTICE OF APPEAL: 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 or Reconsideration was made, within 30 days of the receipt date of the Decision and Order of Reconsideration or Rehearing Decision.

A Request for Rehearing or Reconsideration may be granted when one of the following exists:

- Newly discovered evidence that existed at the time of the original hearing that could affect the outcome of the original hearing decision;

- Misapplication of manual policy or law in the hearing decision which led to a wrong conclusion;
- Typographical, mathematical or other obvious error in the hearing decision that affects the rights of the client;
- Failure of the ALJ to address in the hearing decision relevant issues raised in the hearing request.

The Department, AHR or the claimant must specify all reasons for the request. MAHS will not review any response to a request for rehearing/reconsideration. A request must be *received* in MAHS within 30 days of the date the hearing decision is mailed.

The written request must be faxed to (517) 335-6088 and be labeled as follows:

Attention: MAHS Rehearing/Reconsideration Request

If submitted by mail, the written request must be addressed as follows:

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

EJF/cl

cc:

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]