

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 201316545
Issue No.: 2006
Case No.: [REDACTED]
Hearing Date: May 2, 2013
County: Wayne (19)

ADMINISTRATIVE LAW JUDGE: Alice C. Elkin

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 May 2, 2013, from Detroit, Michigan. Participants on behalf of Claimant included Claimant. Participants on behalf of the Department of Human Services (Department) included [REDACTED], Assistance Payment Worker, and [REDACTED], Family Independence Manager.

ISSUE

Did the Department properly close Claimant's Medical Assistance (MA) case and her coverage under the Medicare Savings Program (MSP)?

FINDINGS OF FACT

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

1. Claimant was an ongoing recipient of MA and MSP benefits.
2. On October 16, 2012, the Department sent Claimant a redetermination form (DHS-1010) with a November 1, 2012, due date.
3. Claimant did not return the completed redetermination by November 1, 2012, or at any time prior to the hearing date.

4. On November 19, 2012, the Department sent Claimant a Notice of Case Action notifying her of the closure of her MA and MSP cases effective January 1, 2012, based on her failure to return the completed redetermination form.
5. On November 30, 2012, Claimant filed a hearing request, protesting the Department's actions.

CONCLUSIONS OF LAW

Department policies are found in the Department of Human Services Bridges Administrative Manual (BAM), Department of Human Services Bridges Eligibility Manual (BEM) and Department of Human Services 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 (formerly known as the Family Independence Agency) administers the MA program pursuant to MCL 400.10, *et seq.*, and MCL 400.105.

The Department requires recipients of state benefits to complete redeterminations at least once every twelve months. BAM 210 (November 2012), p 1. Medical assistance benefits stop at the end of the benefit period unless a redetermination is completed and a new benefit period is certified. BAM 210, p 2.

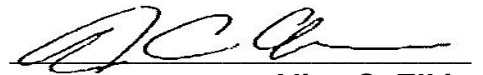
The Department sent Claimant a redetermination form to determine her ongoing eligibility for MA and MSP (which pays for a client's Medicare Part B premiums) on October 16, 2012. Claimant was required to complete the form, sign it, and return it to the Department by November 1, 2012. When the Department did not receive a completed form, it sent Claimant an November 19, 2012 Notice of Case Action, informing her that her MA coverage and MSP benefits would close effective January 1, 2013, based on her failure to return the redetermination form to allow the Department to assess her continued eligibility for assistance.

At the hearing, Claimant verified that the address on the redetermination form provided by the Department was hers but claimed that she did not receive it. The Department testified that the redetermination was generated and sent by its automated system from Lansing. Proper mailing and addressing of a notice in the normal course of business creates a presumption of receipt that may be rebutted by the evidence. *Good v Detroit Automobile Inter-Insurance Exchange*, 67 Mich App 270, 276; 241 NW2d 71 (1976). *Good v Detroit Automobile Inter-Insurance Exchange*, 67 Mich App 270, 276; 241 NW2d 71 (1976). Claimant testified that she had some issues with her mail being improperly delivered by the post office to neighbors' homes and she had contacted the post office about her concerns. While she also testified that she had not received the November 19, 2012 Notice of Case Action notifying her of the closure of her cases, the request for hearing she filed referenced the November 19, 2012 Notice, which establishes that she did in fact receive the Notice. Under these facts, where the Department mailed the documents to Claimant's address of record and was not aware

of any mail issues and the evidence showed that Claimant did receive at least some of the mail sent by the Department, Claimant failed to rebut the presumption that she received the redetermination form. Thus, the Department acted in accordance with Department policy when it closed Claimant's MA and MSP cases based on Claimant's failure to complete the redetermination process.

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 acted in accordance with Department policy when it closed Claimant's MA and MSP cases for failure to complete the redetermination. Accordingly, the Department's decision is **AFFIRMED**.



Alice C. Elkin
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: 5/9/2013

Date Mailed: 5/9/2013

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:

