

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

IN THE MATTER OF:



Reg. No.: 201319126
Issue No.: 2018
Case No.: [REDACTED]
Hearing Date: May 8, 2013
County: Wayne (76)

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 8, 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 Supervisor.

ISSUE

Did the Department properly deny Claimant's November 19, 2012 MA application?

Did the Department fail to process Claimant's June 2012 MA application?

FINDINGS OF FACT

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

1. On June 15, 2012 and November 19, 2012, Claimant applied for MA coverage.
2. On June 21, 2012, the Department sent Claimant a Notice of Case Action denying his June 15, 2012 application.
3. On November 30, 2012, the Department sent Claimant a Notice of Case Action denying his November 19, 2012 MA application because he did not meet any of the eligibility criteria and the Adult Medical Program (AMP) was closed to new enrollees.

4. On December 19, 2012, Claimant requested a hearing disputing the Department's actions.

CONCLUSIONS OF LAW

Department policies are contained 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 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.

Claimant filed a request for hearing on December 19, 2012. The request did not indicate what Department action was at issue, but during the course of the hearing Claimant testified that he was concerned about the Department's denial of a November 19, 2012 MA application and the Department's failure to process a June 2012 MA application.

June 2012 MA Application

Although Claimant testified that he never received any notice from the Department concerning a June 2012 MA application he filed, the Department credibly testified that it sent Claimant a Notice of Case Action to his address of record on June 20, 2012, denying his application. Although Claimant denied receiving the Notice, properly addressed correspondence sent in the ordinary course of business is presumed received unless the recipient rebuts the presumption. *Good v Detroit Automobile Inter-Insurance Exchange*, 67 Mich App 270, 275-278 (1976). Claimant did not present any evidence at the hearing to rebut the presumption of receipt.

Because Claimant's December 19, 2012 request for hearing was filed more than 90 days after the June 20, 2012 Notice of Case Action denying the June 2012 application, Claimant's hearing request concerning that action was untimely. BAM 600 (February 2013), p 4. Therefore, the denial of the June 2012 MA application is dismissed and not considered in this Hearing Decision.

November 19, 2012 MA Application

The Department denied Claimant's November 19, 2012 MA application because there was a freeze on Adult Medical Program (AMP) enrollment and he was not eligible for other MA coverage because he was not blind, disabled, pregnant or the parent/caretaker relative of a dependent child or within the age requirement.

An individual may receive Medical Assistance (MA) coverage if he qualifies under a FIP-related MA category or an SSI-related MA category. To receive MA under an SSI-

related category, the person must be aged (65 or older), blind, disabled, entitled to Medicare, or formerly blind or disabled. BEM 105 (October 2010), p 1. To receive MA under a FIP-related category, the person must have dependent children who live with him, be a caretaker relative of dependent children, be under age 21, or be a pregnant or recently pregnant woman. BEM 105, p 1; BEM 132 (October 2010), p 1; BEM 135 (January 2011), p 1. AMP provides limited medical services for persons not eligible for MA coverage. BEM 100 (June 2012), p 4. The evidence at the hearing established that Claimant did not meet any of the eligibility criteria for MA coverage and that the AMP program was closed to new enrollees at the time Claimant filed his November 2012 application. Therefore, the Department acted in accordance with Department policy when it denied Claimant's November 19, 2012 MA application.

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 denied Claimant's November 19, 2012 MA application. Accordingly, the Department's decision is AFFIRMED.



Alice C. Elkin

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

Date Signed: 5/16/2013

Date Mailed: 5/16/2013

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,

201319126/ACE

- 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

ACE/hw

cc:

