

STATE OF MICHIGAN
STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES
ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF:



Reg. No.: [REDACTED]
Issue No.: 2001
Case No.: [REDACTED]
Hearing Date: February 21, 2013
County: Genesee-06

ADMINISTRATIVE LAW JUDGE: Gary F. Heisler

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9; and MCL 400.37 upon claimant's request for a hearing. After due notice, a hearing was held on February 21, 2013. Claimant appeared and testified.

ISSUE

Did the Department of Human Services properly close Claimant's Adult Medical Program (AMP) on October 1, 2012?

FINDINGS OF FACT

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

- (1) Claimant was an ongoing recipient of Adult Medical Program (AMP) benefits. Claimant's Adult Medical Program (AMP) was due for re-determination by October 1, 2012.
- (2) On August 14, 2012, Claimant was sent a Redetermination Form (DHS-1010). The form and any verification were due back on September 4, 2012.
- (3) On September 17, 2012, the Department had not received the Redetermination Form (DHS-1010). A Notice of Case Action (DHS-1605) was sent to Claimant stating his Adult Medical Program (AMP) would close on October 1, 2012.
- (4) On September 27, 2012, Claimant submitted a request for hearing.

CONCLUSIONS OF LAW

The Adult Medical Program (AMP) is established by Title XXI of the Social Security Act; (1115)(a)(1) of the Social Security Act, and is administered by the Department of Human Services (DHS or department) pursuant to MCL 400.10, *et seq.* Department policies are contained in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Program Reference Manual (PRM).

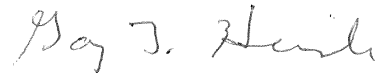
Claimant testifies that he did not receive the Redetermination Form (DHS-1010). Claimant has been at the same address consistently and the Redetermination Form (DHS-1010) was sent to that address of record. Claimant testifies that he has received other correspondence from the Department before and after the Redetermination Form (DHS-1010) was sent. In fact Claimant received the Notice of Case Action (DHS-1605) and submitted his request for hearing before his Adult Medical Program (AMP) closed. The proper mailing and addressing of a letter creates 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).

There is no evidence in the record which rebuts the presumption that Claimant received the Redetermination Form (DHS-1010). There is no lack of notice attributable to the Department in this case. The Department's actions in this case were correct in accordance with Department of Human Services Bridges Administration Manual (BAM) 210 REDETERMINATION/EX PARTE REVIEW (2012).

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides the Department of Human Services properly closed Claimant's Adult Medical Program (AMP) on October 1, 2012.

It is ORDERED that the actions of the Department of Human Services, in this matter, are **UPHELD**.



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

Date Signed: February 25, 2013

Date Mailed: February 26, 2013

NOTICE: Administrative Hearings 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. Administrative Hearings 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.

The Claimant may appeal the Decision and Order to Circuit Court within 30 days of the mailing 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.

GFH/las

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