

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 201328303
Issue No.: 2006
Case No.: [REDACTED]
Hearing Date: May 30, 2013
County: Oakland (02)

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 30, 2013, from Detroit, Michigan. Participants on behalf of Claimant included Claimant. Participants on behalf of the Department of Human Services (Department) included [REDACTED], Eligibility Specialist.

ISSUE

Did the Department properly close Claimant's Medical Assistance (MA) and Medicare Savings Program (MSP) cases?

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.
2. On December 12, 2012, the Department sent Claimant a redetermination form (DHS-1010) concerning her ongoing eligibility for MA and MSP.
3. Claimant was required to submit the completed redetermination by January 2, 2013.
4. Claimant did not submit a completed redetermination.

5. On January 19, 2013, the Department sent Claimant a Notice of Case Action closing her MA and MSP cases effective February 1, 2013, based on her failure to return the redetermination.
6. On February 5, 2013, Claimant filed a hearing request, protesting the Department's action.

CONCLUSIONS OF LAW

Department policies are found in the Department of Human Services Bridges Administrative Manual (BAM), the Department of Human Services Bridges Eligibility Manual (BEM) and the 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.

Additionally, the Department requires recipients of state benefits to complete redeterminations at least once every twelve months. BAM 210 (May 1, 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.

In this case, the Department testified that it sent Claimant a redetermination on December 11, 2012, to determine her continued MA and MSP eligibility. The Department testified that the redetermination was sent out by its automated central print office in Lansing, in the Department's regular course of business, to Claimant at the address she verified at the hearing. Claimant was required to complete and sign the application and return it, with requested proofs, to the Department by January 2, 2013. When the Department did not receive a completed redetermination, it sent Claimant a January 19, 2013 Notice of Case Action, informing her that her MA and MSP cases would close effective February 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 denied receiving the redetermination form, indicating that she had some unresolved concerns about missing mail and she had notified the Post Office about these issues. However, Claimant did not testify that she notified the Department of these issues, and the Department did not indicate that it was aware of any mail issues. The Department did testify that the redetermination form sent to Claimant was not returned to it as undeliverable. Under these facts, Claimant has failed to rebut the presumption that she received a properly addressed notice sent in the Department's ordinary course of business. See *Good v Detroit Automobile Inter-Insurance Exchange*, 67 Mich App 270, 275-278 (1976); see also BAM 210, pp 5-6. Thus, the Department acted in accordance with Department policy when it closed Claimant's MA and MSP

cases because Claimant did not submit a completed redetermination. Claimant is advised to reapply.

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.

Accordingly, the Department's decision is AFFIRMED.


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

Date Signed: 6/12/2013

Date Mailed: 6/12/2013

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 receipt 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

ACE/hw

cc:

