

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

IN THE MATTER OF:

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Reg. No.: 2014-13733
Issue No(s): 2003
Case No.: ██████████
Hearing Date: January 30, 2014
County: Wayne (35)

ADMINISTRATIVE LAW JUDGE: Zainab Baydoun

HEARING DECISION

Following Claimant's request for a hearing, this matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and 400.37; 7 CFR 273.15 to 273.18; 42 CFR 431.200 to 431.250; 45 CFR 99.1 to 99.33; and 45 CFR 205.10. After due notice, a telephone hearing was held on January 30, 2014, from Detroit, Michigan. Participants on behalf of Claimant included Claimant and her daughter, ██████████. Participants on behalf of the Department of Human Services (Department) included ██████████ Eligibility Specialist.

ISSUE

Did the Department properly close Claimant's Medicare Savings Program (MSP) case based on a failure to complete a redetermination?

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 under the MSP program.
2. On September 16, 2013, the Department sent Claimant a Redetermination that was to be completed and returned by October 1, 2013. (Exhibit 1)
3. On November 4, 2013, the Department sent Claimant a Notice of Case Action informing her that effective December 1, 2013, her MSP case would be closing on the basis that she did not return a completed redetermination form and failed to verify information necessary to determine eligibility for MSP benefits. (Exhibit 2)

4. On November 15, 2013, Claimant submitted a hearing request 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), Department of Human Services Reference Tables Manual (RFT), and Department of Human Services Emergency Relief Manual (ERM).

The Medical Assistance (MA) program is established by the Title XIX of the Social Security Act, 42 USC 1396-1396w-5, and is implemented by 42 CFR 400.200 to 1008.59. The Department of Human Services (formerly known as the Family Independence Agency) administers the MA program pursuant to MCL 400.10 and MCL 400.105.

Medicare Savings Programs (MSP) are SSI-related MA categories. Claimant was an ongoing recipient of MA under the Additional Low Income Medicare Beneficiaries (ALMB) category of the MSP. BEM 165 (October 2013), p. 1. ALMB pays Medicare Part B premiums provided funding is available. The Department of Community Health decides whether funding is available. BEM 165, p. 2.

A redetermination of ALMB eligibility must be completed before the end of each calendar year. BEM 165, p.9. The redetermination process includes a thorough review of all eligibility factors. BAM 210 (October 2013), p 1. The Department allows clients a full 10 calendar days from the date the verification is requested (date of request is not counted) to provide all documents and information for MA redeterminations. BAM 210, p.14. For MA cases, 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. Timely notice of the negative action is given if the time limit is not met. BAM 210, p.14.

In this case, the Department testified that on September 16, 2013, it sent Claimant a redetermination for her MSP case that was to be completed and returned on or before October 1, 2013. (Exhibit 1). The Department stated that because it did not receive a completed redetermination by October 31, 2013, which was the end of the certification period, it was unable to certify benefits for a new period. The Department testified that because it did not receive any communications from Claimant indicating that she was unable to submit the redetermination by the due date, it sent Claimant a Notice of Case Action on November 4, 2013, informing her of the case closure effective December 1, 2013. (Exhibit 2).

At the hearing, Claimant stated that she did not receive the Redetermination form, which is why she did not respond or submit the verifications. 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). Claimant confirmed that the address where the Redetermination was sent was her correct mailing address.

Claimant also stated that she did not report any problems with receiving mail to the Department. Additionally, Claimant did receive the Notice of Case Action informing her of the case closure. Therefore, Claimant has not presented sufficient evidence to rebut the presumption that she received the Redetermination.

The Administrative Law Judge, based on the above Findings of Fact and Conclusions of Law, and for the reasons stated on the record, if any, finds that because the Department did not receive the completed redetermination by the due date, the Department acted in accordance with Department policy when it closed Claimant's MSP case based on a failure to verify requested information.

DECISION AND ORDER

Accordingly, the Department's decision is AFFIRMED.



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

Date Signed: February 20, 2014

Date Mailed: February 21, 2014

NOTICE OF APPEAL: 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.

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).

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.

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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

ZB/tm

cc: [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]