

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 2014-21270
Issue No(s): 2003
Case No.: [REDACTED]
Hearing Date: March 13, 2014
County: Wayne (57)

ADMINISTRATIVE LAW JUDGE: Eric Feldman

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 March 13, 2014, from Detroit, Michigan. Participants on behalf of Claimant included Claimant. Participants on behalf of the Department of Human Services (Department or DHS) included [REDACTED], Eligibility Specialist, and [REDACTED], Family Independence Manager.

ISSUE

Did the Department properly close Claimant's Medical Assistance (MA) benefits effective January 1, 2014, ongoing?

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.
2. On November 12, 2013, the Department sent Claimant a Redetermination and it was due back by December 2, 2013. See Exhibit 1.
3. Claimant failed to submit her redetermination by the due or by the end of the benefit period (December 31, 2013).
4. On December 13, 2013, the Department sent Claimant a Notice of Case Action notifying her that her MA benefits closed effective January 1, 2014, ongoing, due to her failure to submit a completed redetermination. See Exhibit 1.

5. On December 27, 2013, Claimant/Claimant's AHR filed a hearing request, protesting the MA case closure. See Exhibit 1.

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.

As a preliminary matter, Claimant also testified during the hearing that she was disputing her Food Assistance Program (FAP) benefit decrease. However, this occurred subsequent to Claimant's hearing request. Thus, Claimant was notified to request another hearing to dispute her FAP decrease. See BAM 600 (March 2014), pp. 4-6.

Clients must cooperate with the local office in determining initial and ongoing eligibility. BAM 105 (October 2013), p. 6. This includes completion of necessary forms. BAM 105, p. 6.

A complete redetermination is required at least every 12 months. BAM 210 (October 2013), p. 1. 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.

A redetermination/review packet is considered complete when all of the sections of the redetermination form including the signature section are completed. BAM 210, p. 10. When a complete packet is received, the Department records the receipt in its system as soon as administratively possible. BAM 210, p. 10. If the redetermination is submitted through MI Bridges, the receipt of the packet will be automatically recorded. BAM 210, p. 10.

For MA cases, benefits are not automatically terminated for failure to record receipt of the redetermination packet. BAM 210, p. 10.

In this case, Claimant was an ongoing recipient of MA benefits. On November 12, 2013, the Department sent Claimant a Redetermination and it was due back by December 2, 2013. See Exhibit 1. The Department testified that the Claimant failed to submit her redetermination by the due or by the end of the benefit period (December 31, 2013). Thus, on December 13, 2013, the Department sent Claimant a Notice of Case

Action notifying her that her MA benefits closed effective January 1, 2014, ongoing, due to her failure to submit a completed redetermination. See Exhibit 1.

At the hearing, Claimant testified that she did not receive the Redetermination dated November 12, 2013. It was also discovered that the Redetermination was sent to Claimant's previous address. Claimant testified that she moved into her current address on or around the same time of the Redetermination (November 12 and/or 13, 2013). Claimant testified that she believed her mail was forwarded to the new address. Moreover, Claimant testified that she did have issues receiving third party mail and DHS correspondence at the previous address. Finally, Claimant testified that she contacted the Department in November 2013 to notify them of the address change after she moved in. Claimant also testified that she contacted her worker multiple times in November/December 2013; however, she never received any phone calls back.

The Department testified that it could not recall receiving phone calls from the Claimant. The Department also testified that it was unsure when it received the change report (address change). A review of the record determined that an address change was processed as the Notice of Case Action (dated December 13, 2013) was sent to Claimant's new address. See Exhibit 1. Thus, sometime between the Redetermination and Notice of Case Action, Claimant's address was updated. It should be noted that the Department testified that it did not receive any unreturned mail.

The proper mailing and addressing of a letter creates a presumption of receipt which 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).

Based on the foregoing information and evidence, the Department properly closed Claimant's MA case effective January 1, 2014, ongoing, in accordance with Department policy.

First, it is found that Claimant failed to rebut the presumption of proper mailing. It appears that Claimant moved into her current address on or around the same time of the Redetermination (November 12 and/or 13, 2013). However, Claimant was unable to provide testimony as to the specific date of when she reported address change. Claimant, though, testified that she reported the address change after she moved in. The Department received a change report (address) because the Notice of Case Action was sent to the updated address. Nevertheless, the evidence presented that the Department properly sent the Redetermination to Claimant's last known address in accordance with Department. Moreover, the Department did not receive any unreturned mail and Claimant testified that her mailed was being forwarded. As such, it is found that the Department properly sent Claimant's Redetermination to the last known address in accordance with Department policy.

Second, it is evident that Claimant contacted the Department a few times. However, as stated above, the Department properly sent Claimant the Redetermination. Claimant failed to submit the Redetermination by the end of the benefit period (December 31,

2013). Claimant must complete the necessary forms in determine her ongoing MA eligibility. BAM 105, p. 6. Because the Redetermination was properly mailed and the Claimant failed to submit the Redetermination before the end of the benefit period (December 31, 2013), the Department acted in accordance with Department policy when it closed Claimant's MA case effective January 1, 2014, ongoing. BAM 130, p. 6 and BAM 210, pp. 1-10. Claimant can reapply for MA benefits.

DECISION AND ORDER

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 the Department acted in accordance with Department policy when it properly closed Claimant's MA benefits effective January 1, 2014, ongoing.

Accordingly, the Department's MA decision is AFFIRMED.


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

Date Signed: March 31, 2014

Date Mailed: March 31, 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.

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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.

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

EJF/tlf

cc:

