

**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.: 2014-23188
Issue No(s): 2010
Case No.: ██████████
Hearing Date: March 31, 2014
County: Wayne (31)

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 31, 2014, from Detroit, Michigan. Participants on behalf of Claimant included Claimant. Participants on behalf of the Department of Human Services (Department or DHS) included ██████████, Assistant Payment Supervisor.

ISSUE

Did the Department properly close Claimant's Adult Medical Program (AMP) effective November 1, 2013, 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 AMP benefits.
2. On September 16, 2013, the Department sent Claimant a Redetermination, which was due back by October 1, 2013. See Exhibit 1.
3. Claimant failed to submit the Redetermination by the due date or by the end of the benefit period (October 31, 2013).

4. On October 19, 2013, the Department sent Claimant a Notice of Case Action notifying him that his AMP benefits closed effective November 1, 2013, ongoing, due to his failure to submit a completed Redetermination. See Exhibit 1.
5. On January 14, 2014, Claimant filed a hearing request, protesting the AMP 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.

The Adult Medical Program (AMP) is established by 42 USC 1315 and is administered by the Department pursuant to MCL 400.10.

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 AMP benefits. On September 16, 2013, the Department sent Claimant a Redetermination, which was due back by

October 1, 2013. See Exhibit 1. The Department presented a correspondence history in which it showed the Redetermination was mailed via central print. See Exhibit 1. The Department also testified that it did not receive the Redetermination as undeliverable. Moreover, the Department testified that the Claimant failed to submit the Redetermination by the due date or by the end of the benefit period (October 31, 2013). Thus, on October 19, 2013, the Department sent Claimant a Notice of Case Action notifying him that his AMP benefits closed effective November 1, 2013, ongoing, due to his failure to submit a completed Redetermination. See Exhibit 1.

At the hearing, Claimant testified that he never received the Redetermination. During the hearing, Claimant acknowledged that the address on the Redetermination was proper. Claimant testified that he has no issues in receiving his DHS correspondence, other than him not receiving the Redetermination. Claimant testified that he received the Notice of Case Action notifying him of the case closure.

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 AMP benefits effective November 1, 2013, ongoing, in accordance with Department policy.

First, it is found that Claimant failed to rebut the presumption of proper mailing. The Department provided credible evidence that it properly sent the Redetermination to Claimant's address. The Department presented a correspondence history in which it showed the Redetermination was mailed via central print. See Exhibit 1. The Department also testified that it did not receive the Redetermination as undeliverable. As such, the evidence presented that the Redetermination was properly mailed to Claimant's address.

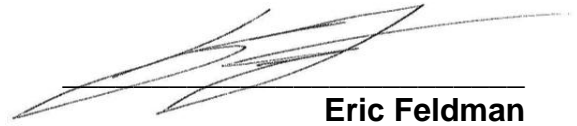
Second, as stated above, the evidence presented that the Redetermination was sent to the proper address. Claimant failed to submit the Redetermination by the due date or by the end of the benefit period (October 31, 2013). Claimant must complete the necessary forms in determining his ongoing AMP eligibility. BAM 105, p. 6. Because the Claimant failed to submit a completed redetermination before the end of the benefit period (October 31, 2013), the Department acted in accordance with Department policy when it properly closed Claimant's AMP benefits effective November 1, 2013, ongoing. BAM 105, p. 6 and BAM 210, pp. 1, 2, and 10.

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 AMP benefits effective November 1, 2013, ongoing.

Accordingly, the Department's AMP decision is AFFIRMED.



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

Date Signed: April 9, 2014

Date Mailed: April 9, 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.

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/cl

cc:

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]