

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

IN THE MATTER OF:

[REDACTED]

Reg. No: 201430565
Issue No: 2002
Case No: [REDACTED]
Hearing Date: April 3, 2014
Allegan County DHS

ADMINISTRATIVE LAW JUDGE: Suzanne D. Sonneborn

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 received by the Department of Human Services (Department) on January 24, 2014. After due notice, a telephone hearing was held on April 3, 2014 from Lansing, Michigan. Claimant's son and power of attorney appeared and provided testimony on Claimant's behalf. The Department was represented by [REDACTED] [REDACTED] an eligibility specialist, and [REDACTED] [REDACTED] a payments supervisor, both of whom are with the Department's Allegan County office.

ISSUE

Whether the Department properly denied Claimant's November 27, 2013 application for Medical Assistance (MA) and retroactive MA for failure to timely complete the required verifications?

ISSUE

Whether the department properly denied Claimant's application for Medical Assistance (MA) for failure to complete the required verifications?

FINDINGS OF FACT

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

1. On November 27, 2013, Claimant's son and power of attorney applied for MA and retroactive MA benefits on Claimant's behalf. (Department Exhibit 2, pp. 3-8)
2. On December 12, 2013, the Department mailed Claimant and Claimant's son a Verification Checklist (DHS 3503), requesting that Claimant provide verification of the following: a detailed bank statement and trust fund statement beginning 11-1-13 to present, current proof of pension income, proof of the united Healthcare supplement (monthly, yearly expense?), and a complete description of the owned

home. The information was due to the Department by no later than December 23, 2013 in order that the Department may determine Claimant's eligibility. The Checklist further advised Claimant's son that he must call Claimant's specialist by December 23, 2013 if he required assistance in getting the proofs. (Department Exhibit 4, pp. 11-12)

4. Claimant's son neither called the Department nor submitted the required verifications by the December 23, 2013 deadline. (Mathaws Hearing Testimony)
5. On January 3, 2014, the Department mailed Claimant and Claimant's son a Notice of Case Action (DHS 1605) advising that Claimant's application for MA benefits had been denied because Claimant failed to return the requested documents. (Department Exhibit 3, pp. 9-10)
6. On January 24, 2014, Claimant's son submitted a hearing request, protesting the denial of Claimant's application for MA benefits. (Request for a Hearing)

CONCLUSIONS OF LAW

Clients have the right to contest a department decision affective eligibility for benefit levels whenever it is believed that the decision is incorrect. BAM 600. The department will provide an administrative hearing to review the decision and determine the appropriateness of that decision. BAM 600. The regulations governing the hearing and appeal process for applicants and recipients of public assistance in Michigan are found in the Michigan Administrative Code, MAC R 400.901-400.951. An opportunity for a hearing shall be granted to an applicant who requests a hearing because his claim for assistance is denied. MAC R 400.903(1)

The Medical Assistance (MA) program was established by Title XIX of the Social Security Act and is implemented by Title 42 of the Code of Federal Regulations (CFR). The Department of Human Services (DHS or department) administers the MA program pursuant to MCL 400.10, *et seq.*, and MCL 400.105. Department policies are found in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Program Reference Manual (PRM).

Department policy indicates that clients must cooperate with the local office in determining initial and ongoing eligibility with all programs. BAM 105. This includes completion of the necessary forms. Clients who are able to but refuse to provide necessary information or take a required action are subject to penalties. BAM 105. Clients must take actions within their ability to obtain verifications. BAM 130; BEM 702. Likewise, DHS local office staff must assist clients who ask for help in completing forms. BAM 130; BEM 702; BAM 105.

Verification is usually required upon application or redetermination and for a reported change affecting eligibility or benefit level. BAM 130. The department must allow a client 10 calendar days (or other time limit specified in policy) to provide the requested verification. BAM 130. If the client is unable to provide the verification despite a reasonable effort, the department must extend the time limit at least once. BAM 130. For MA, if the client cannot provide the verification despite a reasonable effort, the time

limit is extended up to three times. BAM 130. Should the client indicate a refusal to provide a verification or, conversely, if the time period given has elapsed and the client has not made a reasonable effort to provide it, the department may send the client a negative action notice. BAM 130.

In this case, following receipt of an MA application that Claimant's son submitted on Claimant's behalf, the Department mailed Claimant and Claimant's son a Verification Checklist, requesting that Claimant submit the requested information by no later than December 23, 2013 in order that the Department may determine Claimant's MA benefit eligibility. Because Claimant failed to submit any of the requested documents by the December 23, 2013 deadline, the Department denied Claimant's MA application on January 3, 2014.

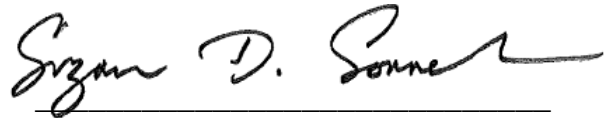
During the April 3, 2014 hearing, Claimant's son acknowledged that he did not provide the Department with the requested information by the due date but he indicated that he never received the Department's Verification Checklist. Claimant's son further testified that he has had an ongoing problem with his mail carrier's delivery of his mail and his mother's mail to their correct address. However, the Department did not have any information in Claimant's file indicating that Verification Checklist was returned as undeliverable. 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).

This Administrative Law Judge has carefully considered and weighed the testimony and other evidence in the record and finds that, based on the competent, material, and substantial evidence presented during the April 3, 2014 hearing, because it is ultimately Claimant's responsibility to ensure her receipt of mail that the Department has addressed properly to the address she has provided to the Department, the Department acted in accordance with policy in denying Claimant's November 27, 2013 application for MA benefits for failure to timely return the required verifications.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the Department acted in accordance with policy in denying Claimant's November 27, 2013 application for MA benefits for failure to timely return the required verifications. The Department's actions in this regard are therefore **UPHELD**.

It is **SO ORDERED**.



Suzanne D. Sonneborn
Administrative Law Judge
for Maura D. 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

201430565/SDS

SDS/hj

cc:

