

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

IN THE MATTER OF:

██████████
██████████
████████████████████

Reg. No.: 14-000832
Issue No.: 2003
Case No.: ██████████
Hearing Date: June 11, 2014
County: MACOMB-DISTRICT (12)

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 June 11, 2014, from Detroit, Michigan. Participants on behalf of Claimant included Claimant. Participants on behalf of the Department of Human Services (Department or DHS) included ██████████ Eligibility Specialist.

ISSUE

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

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 January 14, 2014, the Department sent Claimant a redetermination and it was due back by February 3, 2014. See Exhibit 1, pp. 2-5.
3. Claimant failed to submit his redetermination by the due or by the end of the benefit period (March 31, 2014).
4. On March 20, 2014, the Department sent Claimant a Notice of Case Action notifying him that his MA benefits closed effective April 1, 2014, ongoing, due to his failure to submit a completed redetermination. See Exhibit 1, pp. 7-11.

5. On March 31, 2014, Claimant/Claimant's Authorized Hearing Representative (AHR) filed a hearing request, protesting the MA case closure. See Exhibit 1, pp. 13-14.

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 Title XIX of the Social Security Act, 42 USC 1396-1396w-5; 42 USC 1315; the Affordable Care Act of 2010, the collective term for the Patient Protection and Affordable Care Act, Pub. L. No. 111-148, as amended by the Health Care and Education Reconciliation Act of 2010, Pub. L. No. 111-152; and 42 CFR 430.10-.25. The Department (formerly known as the Family Independence Agency) administers the MA program pursuant to 42 CFR 435, MCL 400.10, and MCL 400.105-.112k.

Preliminary matters

First, on March 31, 2014, Claimant/Claimant's AHR filed a hearing request, protesting the MA case closure. See Exhibit 1, pp. 13-14. However, it was discovered during the hearing that Claimant's AHR was not present. Claimant testified that he waived his right for his AHR to be present and acknowledged that he wanted to proceed only with himself for the hearing.

Second, Claimant also notated in his hearing request that he suffered a traumatic brain injury. See Exhibit 1, p. 14. Again, Claimant testified that he was able to proceed with the hearing. Based on the above information, the hearing proceeded with only the Claimant and the Department present.

Third, Claimant's group size is four, which includes a living partner as one of the household members. See Exhibit 1, p. 3. The additional group member was listed in the redetermination. See Exhibit 1, p. 3. Based on the hearing summary, it also appeared that the additional group member's MA benefits closed. See Exhibit 1, p. 1. However, the Notice of Case Action regarding the MA closure only referenced that the Claimant's MA benefits had been terminated and not the additional group member. See Exhibit 1, pp. 7-11. It is unclear if a separate closure notice was sent in regards to the additional group member. Nevertheless, Claimant testified that he only wanted to discuss his MA closure. As such, the hearing proceeded with only addressing Claimant's MA closure effective April 1, 2014. Claimant's additional group member can request a separate hearing if her alleged MA benefits had closed. See BAM 600 (March 2014), pp. 4-6.

MA benefits

Clients must cooperate with the local office in determining initial and ongoing eligibility. BAM 105 (January 2014), p. 7. This includes completion of necessary forms. BAM 105, p. 7. The local office must assist clients who ask for help in completing forms or gathering verifications. BAM 105, p. 13. Particular sensitivity must be shown to clients who are illiterate, disabled or not fluent in English. BAM 105, p. 13.

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 January 14, 2014, the Department sent Claimant a redetermination and it was due back by February 3, 2014. See Exhibit 1, pp. 2-5. The Department testified that Claimant failed to submit his redetermination. The Department testified that the redetermination was sent via central print and it was not returned as undeliverable. On March 20, 2014, the Department sent Claimant a Notice of Case Action notifying him that his MA benefits closed effective April 1, 2014, ongoing, due to his failure to submit a completed redetermination. See Exhibit 1, pp. 7-11.

At the hearing, Claimant argued two points regarding the improper closure. First, Claimant testified that he suffered a traumatic brain injury on July 11, 1992. See Exhibit 1, p. 14. As such, Claimant testified that the brain injury makes it difficult in determining whether he received the redetermination. It appears that the Department is aware of his disability; however, Claimant did not indicate if he contacted the Department for assistance.

Second, Claimant testified that he could not recall if he received the redetermination and/or if he did not receive it via mail. Claimant testified that he does not have issues with his DHS correspondence or other third party mail. Claimant testified that he received the Notice of Case Action. Also, Claimant acknowledged that his mailing address was proper at the time all the documentation was sent.

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 April 1, 2014, in accordance with Department policy.


It is found that Claimant failed to rebut the presumption of proper mailing. Claimant indicated that the MA closure was based upon him not receiving and/or recalling the redetermination and that his disability led to him not recalling such documentation being sent. However, the evidence presented the Department properly sent the redetermination to Claimant's address. Moreover, the Department did not receive any unreturned mail. As stated above, it appears that the Department is aware of the Claimant's disability, however, he did not indicate if he contacted the Department for assistance. See BAM 105, p. 13. Claimant must complete the necessary forms to determine his ongoing MA eligibility. See BAM 105, p. 7.

Because the redetermination was properly mailed and the Claimant failed to submit the redetermination before the end of the benefit period (March 31, 2014), the Department acted in accordance with Department policy when it closed Claimant's MA case effective April 1, 2014. BAM 105, pp. 7 and 13; 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 closed Claimant's MA benefits effective April 1, 2014.

Accordingly, the Department's MA decision is AFFIRMED.


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

Date Signed: **6/18/2014**

Date Mailed: **6/18/2014**

EJF/cl

NOTICE OF APPEAL: A party may appeal this Hearing Decision in the circuit court in the county in which he/she resides, or the circuit court in Ingham County, within 30 days of the receipt date.

A party may request a rehearing or reconsideration of this Hearing Decision from the Michigan Administrative Hearing System (MAHS) within 30 days of the mailing date of this Hearing Decision, or MAHS may order a rehearing or reconsideration on its own motion.

MAHS may grant a party's Request for Rehearing or Reconsideration 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 party requesting a rehearing or reconsideration 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 this Hearing Decision is mailed.

A written request may be faxed or mailed to MAHS. If submitted by fax, 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

CC:

[REDACTED]