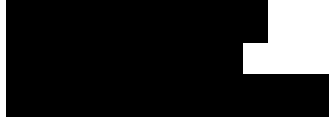


**STATE OF MICHIGAN
MICHIGAN ADMINISTRATIVE HEARING SYSTEM
ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES**

IN THE MATTER OF:



Reg. No.: 14-012741
Issue No.: 2002
Case No.: [REDACTED]
Hearing Date: January 15, 2015
County: IONIA

ADMINISTRATIVE LAW JUDGE: Susanne E. Harris

HEARING DECISION

Following the 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 15, 2015, from Lansing, Michigan. Participants on behalf of the Claimant included [REDACTED]. Participants on behalf of the Department of Human Services (Department) included Eligibility Specialist, [REDACTED].

ISSUE

Did the Department properly close the Claimant's case for Medical Assistance (MA)?

FINDINGS OF FACT

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

1. The Claimant received MA benefits for her daughter.
2. On October 1, 2014, the Department closed the Claimant's case due to her failure to return the redetermination form.
3. On September 19, 2014, the Department sent the Claimant its decision.
4. On September 30, 2014, the Claimant filed a hearing request, protesting the Department's actions.
5. On October 3, 2014, the Department telephoned the Claimant and informed her that if she reapplied for MA benefits, and submitted the necessary proofs, the benefits would be activated as of October 1, 2014.

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), and Department of Human Services Reference Tables Manual (RFT).

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.

Additionally, Bridges Administrative Manual (BAM) 210 (2013) p. 1, provides that the Department is to complete a redetermination at least every 12 months. BAM 210 p. 10, provides that a redetermination is complete when every section of the redetermination form is completed including the signature section. If the redetermination packet is not logged in by the last working day of the redetermination month, Bridges computer system automatically closes the case. It is not contested that the Claimant did not submit a Redetermination form to the Department.

In this case, the Claimant testified that she did not receive the Redetermination form, nor did she receive the hearing request withdrawal form that was sent to her. The Claimant testified that she received every other piece of evidence that was sent to her. The Claimant testified that her address has remained the same at all times relevant to this hearing. When asked why it was that she receives some mail but not all mail at her address, the Claimant testified that she did not know why she doesn't get the mail.

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). In this case, the Administrative Law Judge determines that the evidence is insufficient to rebut the presumption that the Claimant received the Redetermination form, particularly as the Claimant received Notice of the Hearing, and the DHS-1606, Health Care Coverage Determination Notice at the same address. As such, the Administrative Law Judge concludes that the Claimant did receive the Redetermination form. The Administrative Law Judge concludes that the Department did not receive the completed redetermination form and proofs before the Claimant's case closed on October 1, 2014.

The Administrative Law Judge, based upon 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 took action to close the Claimant's daughter's MA case.

DECISION AND ORDER

Accordingly, the Department's decision is **AFFIRMED**.



Susanne E. Harris
Administrative Law Judge
for Nick Lyon, Interim Director
Department of Human Services

Date Signed: **1/16/2015**

Date Mailed: **1/16/2015**

SEH/hj

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 48909-8139

cc:

