

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

IN THE MATTER OF:

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

MAHS Reg. No.: 15-018027
Issue No.: 2001
Agency Case No.: ██████████
Hearing Date: November 23, 2015
County: Oakland-District 2
(Madison Hts)

ADMINISTRATIVE LAW JUDGE: Alice C. Elkin

HEARING DECISION

Following Petitioner'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; and Mich Admin Code, R 792.11002. After due notice, an in-person hearing was held on November 23, 2015, from Madison Heights, Michigan. Petitioner represented herself. The Department of Health and Human Services (Department) was represented by ██████████, Assistance Payment Supervisor, and ██████████, Assistance Payment Worker.

ISSUE

Did the Department properly close Petitioner's Medicaid (MA) case for failure to submit a completed redetermination?

FINDINGS OF FACT

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

1. Petitioner was an ongoing recipient of MA benefits.
2. On June 16, 2015, the Department sent Petitioner a redetermination concerning her ongoing MA eligibility and requiring her to submit the completed redetermination to the Department by July 1, 2015 (Exhibit A).
3. Petitioner did not return a completed redetermination.
4. On July 24, 2015, the Department sent Petitioner a Health Care Coverage Determination Notice notifying her that her MA case was closing effective

September 1, 2015 because she had failed to return the completed redetermination form (Exhibit B).

5. On September 18, 2015, Petitioner filed a request for hearing disputing the Department's actions.

CONCLUSIONS OF LAW

Department policies are contained in the Department of Health and Human Services Bridges Administrative Manual (BAM), Department of Health and Human Services Bridges Eligibility Manual (BEM), Department of Health and Human Services Reference Tables Manual (RFT), and Department of Health and 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 Department of Human Services) administers the MA program pursuant to 42 CFR 435, MCL 400.10, and MCL 400.105-.112k.

A July 24, 2015 Health Care Coverage Determination Notice informed Petitioner that her MA case would close effective September 1, 2015, because she failed to return the redetermination form to allow the Department to assess her continued eligibility for assistance. Petitioner requested a hearing to dispute the closure of her MA case.

The Department requires recipients of state benefits to complete redeterminations at least once every twelve months. BAM 210 (July 2015), p. 1. MA 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.

In this case, the Department sent Petitioner a redetermination concerning her ongoing MA eligibility on June 16, 2015 which was due on July 1, 2015 (Exhibit A). The Department testified that the form was sent to Petitioner's address of record by the Department's central print office in Lansing in the Department's ordinary course of business. Petitioner acknowledged that she did not turn in the redetermination form but testified that she never received the form. She explained that she had had some issues receiving mail but admitted that she never advised the Department of her mail issues. The Department denied receiving any returned mail addressed to Petitioner. Under these facts, Petitioner has failed to rebut the presumption of receipt of mail sent in the Department's ordinary course of business. See *Good v Detroit Automobile Inter-Insurance Exchange*, 67 Mich App 270 (1976).

Under the circumstances presented, where the Department sent the redetermination form to Petitioner's address, had not been advised of mail issues, did not receive any returned mail, and did not receive a completed redetermination form from Petitioner, the Administrative Law Judge finds that the Department acted in accordance with Department policy when it closed Petitioner's MA case for failure to complete the redetermination process.

DECISION AND ORDER

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



Alice C. Elkin
Administrative Law Judge
for Nick Lyon, Director
Department of Health and Human Services

Date Signed: **11/30/2015**

Date Mailed: **11/30/2015**

ACE / tlf

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 copy of the claim or application for appeal must be filed with the Michigan Administrative Hearing System (MAHS).

A party may request a rehearing or reconsideration of this Hearing Decision from 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: [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]