



RICK SNYDER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
MICHIGAN ADMINISTRATIVE HEARING SYSTEM
Christopher Seppanen
Executive Director

SHELLY EDGERTON
DIRECTOR

[REDACTED]

Date Mailed: April 25, 2016
MAHS Docket No.: 16-002791
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Lynn M. Ferris

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, a telephone hearing was held on April 25, 2016, from Detroit, Michigan. The Petitioner was represented by himself. The Department of Health and Human Services (Department) was represented by [REDACTED] [REDACTED] Hearing Facilitator, and [REDACTED], Eligibility Specialist.

ISSUE

Did the Department properly close the Petitioner's Medical Assistance (MA) for failure to complete the 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. The Petitioner was an ongoing recipient of MA.
2. The Department sent the Petitioner a Redetermination on January 11, 2016, to the correct address with a return due date of February 1, 2016. Exhibit 1.
3. On February 17, 2016, the Department issued a Health Care Coverage Determination Notice closing the Petitioner's MA due to failure to complete and return the Redetermination. Exhibit 2.
4. The Petitioner requested a timely hearing on February 29, 2016.

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.

In this case, the Department closed the Petitioner's MA case effective March 1, 2016, due to Petitioner's (Exhibit 1) failure to return the Redetermination sent to him by the Department regarding his MA and updated information. Exhibit 1. Thereafter the Department issued a Health Care Notice advising the Petitioner that his MA case would close effective March 1, 2016, due to failure to return the Redetermination. Both the Redetermination and the Health Care Coverage Notice were sent to the Petitioner at [REDACTED]. The Petitioner currently lives at [REDACTED] and testified credibly that he has no difficulty receiving his mail. The Petitioner does work with the social worker and was confused as to whether or not he received the Redetermination and perhaps gave it to his social worker to complete. Nonetheless, failure to return the Redetermination in a timely manner results in closure of MA.

The Department must review cases periodically; and if the case information is not updated and completed by the due date, the Department must close the case. Department policy regarding redeterminations provides:

The Michigan Department of Health and Human Services must periodically redetermine or renew an individual's eligibility for active programs. The Redetermination process includes thorough review of all eligibility factors. BAM 210 (January 1, 2016), p.1.

For Medical Assistance cases, the Department Policy provides:

Benefits stop at the end of the benefit period unless a renewal is completed and the new benefit is certified. Also, the renewal month is 12 months from the date the most recent complete application was submitted. BAM 210, p.3.

In this case, the Department correctly addressed and mailed the Redetermination; thus, by law, it is presumed to be received. Exhibit 2. The law provides the following:

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 Petitioner did not have trouble with his mail other than occasionally receiving his neighbor's mail. The Petitioner also received the Health Care Coverage Determination Notice sent to the same address, which closed his case. Exhibit 1. Under these facts, it is determined that by law the Redetermination is deemed received as it was properly addressed and mailed to the correct address and no circumstances were established by the Petitioner to demonstrate his mail being lost, stolen or misdelivered.

Due to the fact that the Redetermination was not returned, the Department correctly sent a Notice of Case Action; and as the time period for return of the Redetermination had elapsed, and no Redetermination had been received. BAM 130, (January 1, 2016), pp. 8-9.

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 the Petitioner's MA for failure to complete the Redetermination. The Petitioner may reapply for MA at any time.

DECISION AND ORDER

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

LMF/jaf



Lynn M. Ferris

Administrative Law Judge
for Nick Lyon, Director

Department of Health and Human Services

NOTICE OF APPEAL: A party may appeal this Order in circuit court within 30 days of the receipt date. A copy of the circuit court appeal must be filed with the Michigan Administrative Hearing System (MAHS).

A party may request a rehearing or reconsideration of this Order if the request is received by MAHS within 30 days of the date the Order was issued. The party requesting a rehearing or reconsideration must provide the specific reasons for the request. MAHS will not review any response to a request for rehearing/reconsideration.

A written request may be mailed or faxed to MAHS. If submitted by fax, the written request must be faxed to (517) 335-6088; 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

DHHS

[REDACTED]

Petitioner

[REDACTED]

cc:

[REDACTED]