



RICK SNYDER
GOVERNOR

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

SHELLY EDGERTON
DIRECTOR

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Date Mailed: May 26, 2016
MAHS Docket No.: 16-004819
Agency No.: [REDACTED]
Petitioner: [REDACTED]

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, a telephone hearing was held on May 23, 2016, from Detroit, Michigan. Petitioner appeared and represented herself. Petitioner's mother, [REDACTED], appeared as her witness. The Department of Health and Human Services (Department) was represented by [REDACTED], Hearing Facilitator.

ISSUE

Did the Department properly close Petitioner Medicaid (MA) case for failure to return 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 December 15, 2015, the Department sent Petitioner a redetermination from its central print office in Lansing to Petitioner's address of record with directions to return the completed form back to the Department by January 4, 2016 (Exhibit A, pp. 5, 8-13).
3. Petitioner denied receiving the redetermination form.

4. The envelope sent to Petitioner with the redetermination was not returned to the Department as undeliverable mail.
5. On January 16, 2016, the Department sent Petitioner a Health Care Coverage Determination Notice notifying her that her MA case would close effective February 1, 2016 because she had failed to return the completed redetermination form (Exhibit A, p. 3).
6. On April 13, 2016, the Department received Petitioner's request for hearing disputing the closure of her MA case (Exhibit A, p. 2).

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.

The Department sent Petitioner a January 16, 2016 Health Care Coverage Determination Notice, informing her that her MA case would close effective February 1, 2016, because she failed to return the redetermination form to allow the Department to assess her continued eligibility for assistance.

The Department requires recipients of state benefits to complete redeterminations at least once every twelve months. BAM 210 (January 2016), 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.

The Department sent Petitioner a redetermination concerning her ongoing MA eligibility on December 15, 2015 which was due on January 4, 2016 (Exhibit A, pp. 8-13). 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 denied having any issues receiving her mail. 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 Petitioner the redetermination form to Petitioner's address, did not receive any returned mail, and did not receive a completed redetermination form from Petitioner before her MA certification period expired on February 1, 2016, the Administrative Law Judge finds that the Department acted in accordance with Department policy when it closed Petitioner's MA case.

DECISION AND ORDER

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

ACE/tlf



Alice C. Elkin
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

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