



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]

Date Mailed: June 14, 2016  
MAHS Docket No.: 16-004646  
Agency No.: [REDACTED]  
Petitioner: [REDACTED]

**ADMINISTRATIVE LAW JUDGE: Zainab A. Baydoun**

### **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 16, 2016, from Detroit, Michigan. The Petitioner appeared for the hearing and represented herself. The Department of Health and Human Services (Department) was represented by [REDACTED], Hearings Facilitator [REDACTED] [REDACTED], Eligibility Specialist served as Spanish Interpreter.

### **ISSUE**

Did the Department properly process Petitioner's Medical Assistance (MA) benefits?

### **FINDINGS OF FACT**

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

1. On an unverified date in November 2015, Petitioner submitted an application for MA benefits.
2. On December 3, 2015, the Department sent Petitioner a Health Care Coverage Supplemental Questionnaire (Questionnaire) that she was instructed to complete and return to the Department by December 14, 2015. (Exhibit B, pp. 6-8)
3. The Department did not receive the completed Questionnaire by the December 14, 2015, due date.

4. On January 13, 2016, the Department sent Petitioner a Health Care Coverage Determination Notice (Notice) advising her that for the period of November 1, 2015, ongoing, she was not eligible for MA on the basis that she did not return the Questionnaire. (Exhibit A)
5. On January 13, 2016, the Department sent Petitioner a Quick Note informing her that her MA benefits were denied due to her November 17, 2015, request to have her MA case be closed. The Quick Note further informed Petitioner that the application submitted on November 30, 2015, did not reopen her MA benefits and that she should reapply for MA. (Exhibit B, p. 5)
6. On March 31, 2016, Petitioner requested a hearing disputing the Department's actions with respect to her MA benefits.

### **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.

Verification is usually required at application/redetermination and for a reported change affecting eligibility or benefit level. BAM 130 (January 2016), p.1. To request verification of information, the Department will inform the client of what verification is required, how to obtain it, and the due date. BAM 130, p. 3. The DHS-1004, Health Care Coverage Supplemental Questionnaire, is used to gather additional information when the applicant indicates a disability on the DCH-1426 (MA application). BEM 105 (January 2016), p. 3. With respect to MA cases, clients are given 10 calendar days to provide the verifications requested by the Department. BAM 130, pp.7-8. Verifications are considered to be timely if received by the date they are due. BAM 130, p.7-8. The Department will send a negative action notice when the client indicates refusal to provide a verification, or the time period given has elapsed. BAM 130, p. 8.

In this case, the testimony from both Petitioner and the Department at the hearing suggested that on or around November 17, 2015, Petitioner requested that her MA case

be closed as she got into a disagreement with her case worker and Petitioner stated the case worker was very rude to her. It was established that at some point in November 2015, Petitioner submitted an application for MA benefits. The Department testified that Petitioner's application was denied because she failed to return the Questionnaire by the due date. (Exhibit B, pp. 4-8). The Department stated that it did not receive any contact from Petitioner regarding the Questionnaire prior to the due date.

Petitioner stated that she did not receive the Questionnaire which is why she did not complete it. The proper mailing and addressing of a letter creates a presumption of receipt. That presumption, however, 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). A review of the Questionnaire establishes that it was sent to Petitioner at her confirmed mailing address. Petitioner stated that she was not having any problems with receiving mail and confirmed that she received the Notice and the Quick Note. Thus, based on Petitioner's testimony at the hearing, she has not presented sufficient evidence to rebut the presumption that she received the Questionnaire. Therefore, because Petitioner did not submit the Questionnaire by the due date, the Department acted appropriately by finding Petitioner ineligible for MA benefits for November 1, 2015, ongoing.

At the hearing, Petitioner raised concerns regarding the closure of MA benefits for her 17 year old son. Petitioner stated that in September 2015, she took her son to the hospital and was informed that the child did not have active MA benefits, and thus incurred unpaid hospital bill for September 2015. Petitioner stated that she was not notified of a case closure by the Department, however, Petitioner confirmed that on November 17, 2015, she requested that her MA case be closed, as she stated had a rude encounter with a case worker which would suggest that Petitioner and her son had active MA in September 2015 at the time she requested her MA case be closed. Petitioner did not establish that the Department took a negative action on her son's MA case such as a case closure within the 90 days prior to her hearing request. See BAM 600.

Petitioner stated that a social worker at the hospital assisted her in completing a MA application. It was unclear when this application was submitted to the Department, if ever, as Petitioner provided several dates of possible submission during the hearing, including September 3, 2015, November 17, 2015, and November 30, 2015. At some point at the hearing, Petitioner also asserted that on November 30, 2015, she submitted a retroactive MA application to the Department. Petitioner presented an incomplete retroactive application for review, however, and it was not date stamped. (Exhibit 1).

The Department asserted that the only application that it had record of was the one denied on January 13, 2016, and based on Petitioner's failure to return the Questionnaire. Petitioner provided inconsistent and conflicting testimony throughout the hearing and thus failed to establish that the Department received MA applications, retroactive or otherwise that the Department failed to process. See BAM 110 (July

2015); BAM 115 (October 2015); BAM 220 (October 2015). Petitioner was informed to contact her case worker for any issues regarding hospital bills incurred for a period in which her son may have been approved for MA in September 2015. Petitioner is further informed that she is entitled to submit a new application for MA and to have her MA eligibility reviewed.

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 processed Petitioner's MA benefits.

### **DECISION AND ORDER**

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



ZB/tlf

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**Zainab A. Baydoun**

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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