



RICK SNYDER
GOVERNOR

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

SHELLY EDGERTON
DIRECTOR



Date Mailed: May 23, 2016
MAHS Docket No.: 16-005372
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Susanne E. Harris

HEARING DECISION

Following the 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 18, 2016, from Lansing, Michigan. The Petitioner, Robin Thompson, appeared and testified with her sister, [REDACTED] [REDACTED]. The Department of Health and Human Services (Department) was represented by Hearing Facilitator, [REDACTED].

The following exhibits were offered and admitted into evidence:

Department: A--February 9, 2016, Redetermination Telephone Interview and Redetermination forms.
B--March 1, 2016, Notice of Missed Interview.
C--March 18, 2016, Health Care Coverage Determination Notice.

Petitioner: None.

ISSUE

Did the Department properly take action to close the Petitioner's Food Assistance Program (FAP) and Medical Assistance (MA) case?

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 FAP and MA benefits.

2. On February 9, 2016, the Department sent the Petitioner a Redetermination Telephone Interview appointment notice scheduling an interview for March 1, 2016 and a Redetermination form informing the Petitioner that the proofs and participation in the telephone interview were required by March 1, 2016 or her case could close.
3. On March 1, 2016, the Department sent the Petitioner a Notice of Missed Interview for her FAP case. This notice instructed the Petitioner to reschedule the interview before March 31, 2016 or her redetermination could be denied.
4. On March 18, 2016, the Department sent the Petitioner a Health Care Coverage Determination Notice indicating that her MA case would close because she failed to return the Redetermination form.
5. All of the Department forms and the Notice of Hearing were sent to [REDACTED]. The Petitioner testified that she received all forms but the Redetermination Telephone Interview form, the Redetermination, and the Notice of Missed Interview. The Petitioner testified that she does sometimes get other people's mail and she does not reliably get her own mail.
6. On April 21, 2016, the Department received the Petitioner's written a hearing request protesting the closure of the Petitioner's FAP and MA case.

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 Food Assistance Program (FAP) [formerly known as the Food Stamp program] is established by the Food and Nutrition Act of 2008, as amended, 7 USC 2011 to 2036a and is implemented by the federal regulations contained in 7 CFR 273. The Department (formerly known as the Department of Human Services) administers FAP pursuant to MCL 400.10, the Social Welfare Act, MCL 400.1-.119b, and Mich Admin Code, R 400.3001-.3011.

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.

Bridges Administrative Manual (BAM) 210 (2016) p. 1 provides, that the Michigan Department of Health & Human Services (MDHHS) must periodically redetermine or renew an individual's eligibility for active programs. The redetermination process includes thorough review of all eligibility factors. For FAP and MA, benefits stop at the end of the benefit period unless the redetermination is completed and a new benefit period is certified. A FAP group loses its right to uninterrupted FAP benefits if it fails to file the FAP redetermination by the timely filing date, if it fails to participate in the scheduled interview or if it fails to submit verifications timely. BAM 210 p. 18

In this case, the Petitioner does not contest that she failed to complete the Redetermination forms and failed to participate in the required telephone interview. The Petitioner testified that she did not get notice of the Telephone Interview nor did she get the Redetermination forms or Notice of Missed Interview.

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 Petitioner received the Redetermination Telephone Interview form, the Redetermination, and the Notice of Missed Interview. This is particularly true, as the Petitioner did receive the Health Care Coverage Determination Notice informing her that her case would close in the Petitioner did also receive the Notice of Hearing scheduling the instant matter.

As the Administrative Law Judge concludes that the Petitioner was properly notified of her Redetermination and her Redetermination Telephone Interview, the Administrative Law Judge also concludes that the Department properly allowed the Petitioner's benefits to stop at the end of the benefit period when the Redetermination was not received and the Telephone Interview not completed.

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 took action to close the Petitioner's FAP and MA cases.

DECISION AND ORDER

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



SH/nr

Susanne E. Harris
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]