



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: September 15, 2016
MAHS Docket No.: 16-010634
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Jacquelyn A. McClinton

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 September 6, 2016, from Detroit, Michigan. The Petitioner was represented by [REDACTED], Petitioner's daughter, also appeared. The Department of Health and Human Services (Department) was represented by [REDACTED], Assistance Payment Supervisor.

ISSUE

Did the Department properly close Petitioner's daughter MA benefits effective [REDACTED]
[REDACTED]

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's daughter was an MA recipient.
2. On [REDACTED], the Department sent Petitioner a New Hire Client Notice pertaining to her daughter's employment, which was required to be completed and submitted on or before [REDACTED].
3. Petitioner failed to return the New Hire Client Notice by the due date.

4. On [REDACTED], the Department sent Petitioner a Health Care Coverage Determination Notice which informed Petitioner that her daughter's MA would close effective [REDACTED] for failure to return the Redetermination.
5. On [REDACTED], 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.

Additionally, verification is usually required at application/redetermination **and** for a reported change affecting eligibility or benefit level. BAM 130 (January 2016), p. 1. In this case, the Department indicated that it mailed a New Hire Client Notice to Petitioner on [REDACTED]. The Redetermination was required to be completed and returned by [REDACTED].

The Department testified that it did not receive the completed New Hire Client Notice until [REDACTED], after the MA benefits had closed. Petitioner testified that she did not receive the New Hire Client Notice in the mail. Petitioner indicated that she has had ongoing issue with her mail for years. Petitioner testified that she did not make the Department aware of any issue with her mail and did not make any alternate arrangements for the receipt of her mail. It should be noted that Petitioner acknowledged receipt of the Health Care Coverage Determination Notice, the Hearing Packet and the Notice of Hearing, all of which were mailed to the same address on different dates.

The proper mailing and addressing of a letter creates a presumption of receipt which 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). There was no evidence provided that Petitioner was experiencing any issues with his mail. As previously stated, Petitioner received other documents from the Department and the hearing office. As such, it is found that Petitioner has failed to rebut the presumption that the Redetermination was received. The Department indicated that because

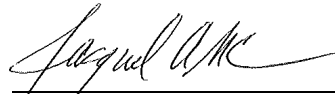
Petitioner failed to return the New Hire Client Notice, it sent Petitioner a Health Care Coverage Determination Notice on [REDACTED], which informed Petitioner that effective [REDACTED], her daughter's MA benefits would close.

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 Petitioner's daughter's MA benefits effective [REDACTED] for failure to return the Redetermination.

DECISION AND ORDER

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

JM/hw



Jacquelyn A. McClinton

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]

[REDACTED]

Petitioner

[REDACTED]