



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: July 20, 2017  
MAHS Docket No.: 17-006343  
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; 42 CFR 438.400 to 438.424; 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 June 22, 2017, from Detroit, Michigan. The Petitioner appeared for the hearing and represented himself. The Department of Health and Human Services (Department) was represented by Victoria Boler, Assistance Payment Worker.

### **ISSUE**

Did the Department properly close Petitioner's 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. Petitioner was an ongoing recipient of MA benefits under the Healthy Michigan Plan (HMP) category. (Exhibit A, p. 5)
2. In connection with a redetermination/renewal, Petitioner's eligibility for MA was reviewed.
3. On March 4, 2017, the Department sent Petitioner a redetermination for his MA case that was to be completed and returned to the Department by April 4, 2017. (Exhibit A, p. 4)
4. The Department did not receive the completed redetermination by the due date.

5. On April 17, 2017, the Department sent Petitioner a Health Care Coverage Determination Notice informing him that effective May 1, 2017, his MA benefits would be terminated on the basis that he failed to return the redetermination. (Exhibit A, p. 7)
6. On May 3, 2017, Petitioner requested a hearing disputing the Department's actions. (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 must periodically redetermine or renew an individual's eligibility for active programs. The redetermination/renewal process includes a thorough review of all eligibility factors. Redetermination, renewal, semi-annual and mid-certification forms are often used to redetermine eligibility of active programs. BAM 210 (April 2017), p. 1. Additional verifications may be required at redetermination or renewal. For MA cases, benefits stop at the end of the benefit period unless a renewal is completed, requested verifications are received and a new benefit period is certified. BAM 210, p. 3. The Department will provide the client with timely notice of the negative action if the time limit to complete the redetermination and submit the verifications is not met. BAM 210, p.16.

In this case, in [REDACTED] 2016, an application for MA benefits was made on Petitioner's behalf by the Michigan Department of Corrections, as he was previously incarcerated. The application was reviewed during the hearing and it was established that the question regarding Petitioner opting in to allowing the Department to access his tax information was not answered. Additionally, Petitioner testified that he had been incarcerated for several years and did not file a tax return. Thus, the passive renewal policies referenced in BAM 210 do not apply and the Department properly sent Petitioner a redetermination to complete and return.

The Department testified that because it did not receive a completed redetermination form from Petitioner by the April 4, 2017, due date or prior to the end of the certification

period and because it did not receive any contact from Petitioner concerning the redetermination prior to the due date, it sent Petitioner a Health Care Coverage Determination Notice informing him that effective May 1, 2017, his MA benefits would be closed due to a failure to return the redetermination.

At the hearing, Petitioner testified that he did not complete the redetermination because he did not receive 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 redetermination during the hearing confirmed that it was sent to Petitioner at his correct mailing address. Although Petitioner reported that he had some mail problems, such problems were not reported to the Post Office or to the Department. There was no evidence that the redetermination was returned to the Department as undeliverable by the Post Office. Additionally, Petitioner confirmed that he received the Health Care Coverage Determination Notice advising him of the case closure. Based on the evidence presented, Petitioner has failed to rebut the presumption that he received the Redetermination. Therefore, because Petitioner did not timely submit the Redetermination, the Department properly closed Petitioner's MA case. Petitioner is informed that he is entitled to submit a new application for MA benefits to have his eligibility determined.

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 MA case effective May 1, 2017.

### **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

**Via Email:**

MDHHS-Wayne-17-Hearings  
BSC4 Hearings  
EQAD  
M. Best  
MAHS

**Petitioner – Via First-Class Mail:**

