



RICK SNYDER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
MICHIGAN ADMINISTRATIVE HEARING SYSTEM

SHELLY EDGERTON
DIRECTOR

[REDACTED]
[REDACTED]
MI [REDACTED]

Date Mailed: August 20, 2018
MAHS Docket No.: 18-005846
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Vicki L. Armstrong

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 August 1, 2018, from Lansing, Michigan. Petitioner personally appeared and testified, through his interpreter, [REDACTED] [REDACTED]

The Department of Health and Human Services (Department) was represented by Hearing Facilitator Dionere Craft and Eligibility Specialist Deslyn Griffin. Ms. Craft and Ms. Griffin testified on behalf of the Department. The Department submitted 29 exhibits which were admitted into evidence. The record was closed at the conclusion of the hearing.

ISSUE

1. Did the Department properly deny Petitioner's application for the Cash/State Disability Assistance (SDA) program?
2. Did the Department properly close Petitioner's Medicaid program for failure to return the recertification packet?
3. Did the Department deny Petitioner's application for the Food Assistance Program (FAP)?

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 April 4, 2018, the Department mailed Petitioner the recertification packet. [Hearing Summary].

2. On [REDACTED], 2018, Petitioner submitted a new application for FAP and Cash/SDA benefits. [Hearing Summary].
3. On May 21, 2018, the Department mailed Petitioner a Verification Checklist requesting proof of rent, school attendance, self-employment, checking account, heat expense, RSDI, non-heat expense and residential address, all due by May 31, 2018. The Verification Checklist indicated that failure to timely return the requested verifications would result in closure of Petitioner's Medicaid benefits. [Dept. Exh. 12-15].
4. On May 22, 2018, Petitioner's application for Cash/SDA was denied June 16, 2018 ongoing, due to the gross income exceeding the household limit. [Dept. Exh. 4-8].
5. On May 31, 2018, Petitioner's Medicaid closed due to Petitioner's failure to timely return the recertification packet mailed on April 4, 2018. [Hearing Summary].
6. On June 4, 2018, Petitioner requested a hearing regarding FAP, Medicaid and Cash/SDA programs. [Dept. Exh. 2-3].
7. On June 15, 2018, the Department mailed Petitioner a Notice of Case Action indicating that his FAP benefits for a household size of six had been approved for \$140.00 from May 21, 2018 through May 31, 2018; \$453.00 a month from June 1, 2018 through June 30, 2018; and \$504.00 a month from July 1, 2018 through April 30, 2019. [Dept. Exh. 25-29].
8. On August 1, 2018, Petitioner testified that he had never received the Medicaid recertification packet. Petitioner also indicated that he received \$[REDACTED] in RSDI income, as used by the Department when denying Petitioner's Cash/SDA application. [Testimony of Fouad Ali, 8/1/2018; Dept. Exh. 9-11].
9. On August 1, 2018, the Department indicated that at the time of Petitioner's June 4, 2018 hearing request, Petitioner's FAP application was still pending because the Department was waiting for verifications from Petitioner. [Hearing Summary].

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.

As an initial matter, Petitioner's request for hearing regarding his FAP benefits is dismissed for failure to state a claim. At the time Petitioner requested a hearing on June 4, 2018, Petitioner's FAP application from [REDACTED], 2018 was still pending. A decision on the FAP application was not reached until June 15, 2018, when the Department granted Petitioner's FAP application and awarded Petitioner FAP benefits. Therefore, because Petitioner had not received a negative action regarding his FAP benefits at the time of his hearing request, his hearing request for FAP is dismissed with prejudice.

The State Disability Assistance (SDA) program is established by the Social Welfare Act, MCL 400.1-.119b. The Department of Health and Human Services (formerly known as the Department of Human Services) administers the SDA program pursuant to 42 CFR 435, MCL 400.10 and Mich Admin Code, R 400.3151-.3180.

In the above-captioned matter, Petitioner applied for the Cash/SDA program on [REDACTED], 2018. On May 22, 2018, the Department denied Petitioner's Cash/SDA application for excess income. Petitioner did not contest the amount of income used by the Department in making this determination. As a result, this Administrative Law Judge finds the Department properly denied Petitioner's Cash/SDA application.

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.

On April 4, 2018, the Department mailed Petitioner a recertification packet for the Medicaid program. On May 21, 2018, a Verification Checklist was also mailed to Petitioner requesting a list of verifications due by May 31, 2018. The Verification Checklist also clearly indicated that Petitioner's failure to return the requested verifications by the May 31, 2018 deadline, would result in "CLOSURE" of the Medicaid program. On May 31, 2018, the Department closed Petitioner's Medicaid program for failure to timely return the requested verifications.

Petitioner testified at the hearing in this matter that he never received the April 4, 2018 recertification packet. The Department did not have any information in Petitioner's file indicating that the recertification packet, dated April 4, 2018, was returned as undeliverable.

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). Petitioner failed to provide credible, material, and substantial evidence to rebut the

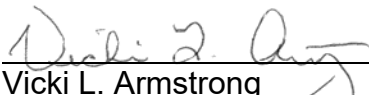
presumption of receipt as the Department mailed all correspondence to Petitioner's address of record.

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 denied Petitioner's application for Cash/SDA and closed Petitioner's Medicaid program. The FAP was not addressed in this decision, because Petitioner had not received a negative action prior to filing his hearing request in this matter.

DECISION AND ORDER

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

VLA/nr



Vicki L. Armstrong
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) 763-0155; 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

Clarence Collins
12140 Joseph Campau
Hamtramck, MI
48212

Wayne 55 County DHHS- via electronic
mail

BSC4- via electronic mail

M. Holden- via electronic mail

D. Sweeney- via electronic mail

D. Smith- via electronic mail

EQAD- via electronic mail

L. Karadsheh- via electronic mail

Petitioner

[REDACTED]
MI