



RICK SNYDER
GOVERNOR

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

SHELLY EDGERTON
DIRECTOR

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Date Mailed: August 22, 2018
MAHS Docket No.: 18-007181
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Christian Gardocki

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 16, 2018, from Detroit, Michigan. Petitioner appeared and was unrepresented. The Michigan Department of Health and Human Services (MDHHS) was represented by Brandy Guinn, manager.

ISSUE

The issue is whether MDHHS properly denied Petitioner's application for Medical Assistance (MA).

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 May 31, 2018, Petitioner applied for MA benefits. Petitioner's application reported that Petitioner is disabled.
2. On June 4, 2018, MDHHS mailed Petitioner a Health Care Coverage Supplemental Questionnaire (DHS-1004) (Exhibit A, pp. 8-11). The due date for Petitioner to return the form was June 14, 2018.
3. As of June 18, 2018, Petitioner failed to return the DHS-1004.
4. On June 18, 2018, MDHHS denied Petitioner's MA application due to Petitioner's failure to timely return the DHS-1004. (Exhibit A, pp. 12-14)

5. On July 5, 2018, Petitioner requested a hearing to dispute a denial of MA benefits. Petitioner also requested a hearing concerning his amount of Food Assistance Program (FAP) benefit eligibility.
6. During the hearing, Petitioner withdrew his dispute concerning FAP benefits.

CONCLUSIONS OF LAW

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. MDHHS policies are contained in the Bridges Administrative Manual (BAM), Bridges Eligibility Manual (BEM), and Reference Tables Manual (RFT).

Petitioner requested a hearing to dispute the amount of his ongoing FAP benefits. During the hearing, Petitioner stated that he wished to withdraw his FAP dispute. Based on Petitioner's withdrawal, Petitioner's FAP dispute will be dismissed.

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. MDHHS policies are contained in the Bridges Administrative Manual (BAM), Bridges Eligibility Manual (BEM), and Reference Tables Manual (RFT).

Petitioner also requested a hearing to dispute a denial of MA benefits from an application dated May 31, 2018. MDHHS presented a Health Care Coverage Determination Notice (HCCDN) (Exhibit A, pp. 12-14) dated June 18, 2018. The notice informed Petitioner that his application was denied due to his alleged failing to return a supplemental questionnaire; the questionnaire in dispute is the Health Care Coverage Supplemental Questionnaire.

The DCH-1426, Application for Health Coverage & Help Paying Costs, is used for all Medicaid categories. BEM 105 (April 2017) p. 4. The DHS-1004, Health Care Coverage Supplemental Questionnaire, is used to gather additional information when the applicant indicates a disability on the DCH-1426. *Id.*, p. 3.

During the hearing, Petitioner stated he is disabled and receives disability income from the Social Security Administration. Presumably, Petitioner reported his disability on his Medicaid application. Thus, a DHS-1004 is a required verification.

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 acknowledged that he did not return the DHS-1004 to MDHHS before MDHHS denied his application. Petitioner testified that he failed to return the DHS-1004 because he did not receive it until after his application was denied. During the hearing, MDHHS checked their database to ensure that their database reflected a mailing to Petitioner of the DHS-1004 on June 4, 2018. With Petitioner observing, MDHHS testified that their database reflected a mail date of June 4, 2018 for the DHS-1004. Given the evidence, MDHHS mailed the DHS-1004 on June 4, 2018. Petitioner failed to present sufficient evidence to rebut presumption of receipt of the DHS-1004.

MDHHS is to allow the client 10 calendar days (or other time limit specified in policy) to provide the verification that is requested. MDHHS is to send a negative action notice when:

- The client indicates refusal to provide a verification, or
- The time period given has elapsed and the client has not made a reasonable effort to provide it. (BAM 130 (April 2017) p. 3)

Petitioner failed to timely return a properly mailed DHS-1004 before the due date. Thus, the denial of Petitioner's MA application was proper.

DECISION AND ORDER

The administrative law judge, based upon the above findings of fact and conclusions of law, finds that MDHHS properly denied Petitioner's application for MA benefits dated May 31, 2018. The actions taken by MDHHS are **AFFIRMED**.

CG/



Christian Gardocki

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

Lori Duda
MDHHS-Oakland-2-Hearings

Petitioner

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