



GRETCHEN WHITMER
GOVERNOR

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

ORLENE HAWKS
DIRECTOR

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Date Mailed: March 25, 2019
MAHS Docket No.: 19-001252
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Lynn M. Ferris

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 March 20, 2019, from Detroit, Michigan. The Petitioner was represented by herself. The Department of Health and Human Services (Department) was represented by Mona Lindsay, Eligibility Specialist.

ISSUE

Did the Department properly close the Petitioner's Medical Assistance (MA) due to failure to return the redetermination?

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 MA.
2. A redetermination for review of MA was sent to the Petitioner on December 4, 2018, with a due date for completion on January 3, 2019. (Exhibit A.)
3. The Department did not receive the redetermination from the Petitioner.
4. The redetermination was sent to the Petitioner at her correct address.
5. The Department issued a Health Care Coverage Determination Notice (Notice) on January 18, 2019, closing the Petitioner's MA case for failure to return the redetermination. (Exhibit B.)

6. The Petitioner did not have problems with her mail or with receipt of mail historically from the Department.
7. The electronic case file associated with Petitioner's case did not show return of the redetermination.
8. The Petitioner requested a timely hearing on February 4, 2019.

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.

In this case, the Department closed the Petitioner's ongoing MA case due to failure to provide verification of eligibility information required by the Department as part of the annual required redetermination. The Department is required to update MA eligibility annually and uses the redetermination process to update information necessary to certify the case. The redetermination was sent to the Petitioner on December 4, 2018, with a due date of January 3, 2019. The redetermination was also sent to Petitioner's correct address. The Petitioner testified that she did not receive the redetermination and that she did receive the subsequent mailing sent to her January 18, 2019, by the Department in its Notice advising her that her MA case was closing, effective March 1, 2018.

Benefits stop at the end of the benefit period **unless** a redetermination is completed **and** a new benefit period is certified. If the client does not begin the redetermination process, allow the benefit period to expire. BAM 210 (January 2018), p. 3.

If the redetermination packet is not logged in by the last working day of the redetermination month, Bridges automatically closes the EDG. A DHS-1605 is not generated. If the client fails to return a complete DHS-2240A by the last day of the 12th month. Bridges will automatically close the case. If the client reapplies, treat it as a new application and Bridges will prorate the benefits. BAM 210 p. 13.

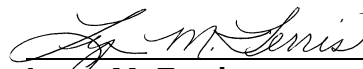
In this case, the Department established that it sent the redetermination to the Petitioner to the correct address. The proper mailing and addressing of a letter creates a presumption of receipt. That presumption may be rebutted by evidence. *Stacey v Sankovich*, 19 Mich App 638 (1969); *Good v Detroit Automobile Inter-Insurance Exchange*, 67 Mich App 270 (1976). In addition, the Petitioner testified that she had no problems with the receipt of her mail from the post office and received the Notice also sent to her by the Department advising her that her case was closing, effective March 1, 2019. Under these circumstances, it is determined that the Petitioner has not rebutted the presumption of receipt when a letter is properly addressed and mailed. The Department did not receive returned mail.

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 for failure to return the redetermination.

DECISION AND ORDER

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

LMF/jaf



Lynn M. Ferris

Administrative Law Judge

for Robert Gordon, 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

Vivian Worden
MDHHS-Macomb-36-Hearings

Petitioner

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