



GRETCHEN WHITMER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
MICHIGAN OFFICE OF ADMINISTRATIVE HEARINGS AND RULES

ORLENE HAWKS
DIRECTOR

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Date Mailed: December 12, 2019
MOAHR Docket No.: 19-012008
Agency No.: ██████████
Petitioner: ██████████

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 December 11, 2019, from ██████████ Michigan. The Petitioner was represented by herself. The Department of Health and Human Services (Department) was represented by Jennifer Depoy, Lead Worker.

ISSUE

Did the Department properly deny the Petitioner's Medical Assistance, (MA) application?

FINDINGS OF FACT

The Administrative Law Judge, based on the competent, material, and substantial evidence on the whole record, finds as material fact:

1. Prior to the hearing the Department determined that the Bridges System improperly denied the Petitioner's MA application as regards Petitioner not providing her Social Security Number pursuant to a verification, as the application contained the Petitioner's Social Security Number which was not recognized by Bridges. Exhibit A, p. 2.
2. The Department reinstated the Petitioner's MA application by Health Care Coverage Determination Notice dated October 31, 2019, effective November 1, 2019. The Application for Petitioner's daughter for medical assistance was not reinstated as no Social Security Number was found on the application and a request for verification was not returned by the Petitioner. Exhibit F.

3. On April 9, 2019, the Department sent the Petitioner, to her correct address, a Verification Checklist (VCL) requesting that she provide her Social Security Number and a Social Security Number for her minor daughter.
4. On September 30, 2019, the Department sent a Health Care Coverage Determination Notice to Petitioner advising her that the MA application was denied for both Petitioner and her daughter due to failure to timely provide verification of Social Security Numbers as requested. Petitioner received this Notice.
5. On October 30, 2019, the Petitioner filed a timely hearing request advising the Department that she had problems with her mail being stolen or not delivered.

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 denied the Petitioner's application for MA due to failure to verify information regarding a request for Social Security numbers for Petitioner and her minor daughter. The Department sent a verification checklist requesting the Social Security numbers on April 9, 2019, with a due date of April 19, 2019; the verifications were not received, and the Petitioner's application was denied on September 30, 2019, effective November 11, 2019. Exhibits C and D.

Subsequently, the Department reinstated the Petitioner's application because her Social Security Number was included on the application and did so by Health Care Coverage Determination Notice dated October 31, 2019, effective November 1, 2019. Exhibit F. The Department did not reinstate the application as regards Petitioner's daughter as her Social Security Number was not included in the application.

At the hearing, the Petitioner testified that she did not receive the verification checklist due to issues with receiving her mail. She testified that she was divorced and that she believed that her husband had taken her mail. Her mailbox is not visible from her home as her driveway is a quarter of a mile long, and her home is not visible from the mailbox.

She also testified that she did not receive her car registration from the Secretary of State after applying online. She never received the registration even though it was mailed. Petitioner testified that the problem of missing mail occurred in early spring and has stopped; and lately she has been receiving her mail.

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 this case, notwithstanding the Department did not deny the [REDACTED] 2019 MA application until September 30, 2019, when the Department sent a Health Care Coverage Determination Notice, this was the first notice that Petitioner had that her application was denied. Notwithstanding the delay in notifying Petitioner that the application was denied, the Petitioner did not file either, her Social Security card or her daughter's information until October 30, 2019, 30 days later. Therefore, the Department based upon the best information it had, correctly denied the application as to the Petitioner and her daughter as the verification was never responded to after many months and even after notification of application denial for failure to provide social security numbers which Petitioner testified that she received. Thus, it is determined that the presumption of receipt of the verification checklist, which was properly addressed and mailed, has not been rebutted and the presumption that it was delivered stands. This determination was also based upon the fact that it took Petitioner over 30 days to respond to the denial of her MA application for failure to verify proof of Social Security Numbers.

An applicant and a recipient of MA benefits must verify information when requested by the Department in a timely manner. Department policy provides with respect to verification regarding MA:

Allow the client 10 calendar days (or other time limit specified in policy) to provide the verification requested. Refer to policy in this item for citizenship verifications. If the client cannot provide the verification despite a reasonable effort, extend the time limit up to two times.

Verifications that are submitted after the close of regular business hours through the drop box or by delivery of a MDHHS representative are considered to be received the next business day.

Send a case action notice when:

- The client indicates refusal to provide a verification, **or**
- The time period given has elapsed. BAM130 (April 2017), p. 8.

In this matter the Petitioner never provided the information to the department within the time required by the verification checklist and thus the application was properly denied.

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 reinstated the MA application as regards the Petitioner and when it denied the MA application as regards Petitioner's daughter for failure to provide timely verification of Petitioner's daughter's Social Security Number.

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 Office of Administrative Hearings and Rules (MOAHR).

A party may request a rehearing or reconsideration of this Order if the request is received by MOAHR 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. MOAHR will not review any response to a request for rehearing/reconsideration.

A written request may be mailed or faxed to MOAHR. If submitted by fax, the written request must be faxed to (517) 763-0155; Attention: MOAHR Rehearing/Reconsideration Request.

If submitted by mail, the written request must be addressed as follows:

Michigan Office of Administrative Hearings and Rules
Reconsideration/Rehearing Request
P.O. Box 30639
Lansing, Michigan 48909-8139

DHHS (via electronic mail)

Denise Croff
MDHHS- [REDACTED] Hearings
BSC4
D Smith
EQAD

Petitioner (via first class mail)

[REDACTED]
[REDACTED]
[REDACTED] MI [REDACTED]