



GRETCHEN WHITMER  
GOVERNOR

STATE OF MICHIGAN  
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS  
MICHIGAN OFFICE OF ADMINISTRATIVE HEARINGS AND RULES  
SUZANNE SONNEBORN  
EXECUTIVE DIRECTOR

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DIRECTOR

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Date Mailed: September 13, 2024  
MOAHR Docket No.: 24-009100  
Agency No.: ██████████  
Petitioner: ██████████

**ADMINISTRATIVE LAW JUDGE: Danielle R. Harkness**

**HEARING DECISION**

On July 29, 2024, Petitioner, ██████████ requested a hearing to dispute a Medical Assistance (MA) closure. As a result, a hearing was scheduled to be held on September 12, 2024. Public assistance hearings are held 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. Petitioner appeared and represented herself. ██████████ Petitioner's boyfriend, observed the hearing. Respondent, Michigan Department of Health and Human Services (Department), had Kaylie Polk, Eligibility Specialist, appear as its representative.

A 25-page packet of documents provided by the Department was admitted collectively as Exhibit A.

**ISSUE**

Did the Department properly close Petitioner's MA case due to a failure to provide needed verification?

**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 is ██████ years old and was receiving full-coverage Medicaid from the Department through AD-Care.
2. On June 21, 2024, the Department mailed a verification checklist to Petitioner to obtain information to redetermine Petitioner's eligibility for MA coverage. The verification checklist instructed Petitioner to provide proof that Petitioner applied for Medicare. The verification checklist instructed Petitioner to provide the proofs or call the Department by July 1, 2024.

3. On July 10, 2024, the Department mailed a health care coverage determination notice to Petitioner to notify Petitioner that Petitioner was ineligible for MA coverage, effective August 1, 2024, because Petitioner did not submit proof of applying for Medicare to the Department as instructed.
4. On July 29, 2024, Petitioner requested a hearing to dispute the Department's determination.

### **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 administers the MA program pursuant to 42 CFR 435, MCL 400.10, and MCL 400.105-.112k.

The Department must periodically redetermine or renew a client's eligibility for active programs. BAM 210 (January 1, 2024), p. 1. The redetermination/renewal process includes a thorough review of all eligibility factors. Benefits stop at the end of the benefit period unless a renewal is completed, and a new benefit period is certified. *Id.* at 4.

Verification is usually required by the Department at the time of application/redetermination and for a reported change. BAM 130 (May 1, 2024), p. 1. The Department must tell a client what verification is required, how to obtain it, and the due date. *Id.* at 3. The Department must allow the client 10 calendar days to provide requested verification. *Id.* at 8. The client must obtain the verification, but the local office must assist if the client needs it and asks for help. *Id.* Verifications are only considered timely if they are received by the due date. *Id.* The Department must send a Negative Action Notice when the client refuses to provide the verification, or the client has failed to provide the verification by the due date. *Id.*

Individuals must apply for any state and/or federal benefits for which they may be eligible as a condition of eligibility for Medicaid or MA. Refusal to pursue potential benefits results in ineligibility. An individual is required to apply for Medicare Part A, B and/or D if it is likely that the individual would meet the eligibility criteria for any or all of those benefits. BEM 270.

Based on the evidence presented, the Department properly requested verification of a Medicare application from Petitioner. However, the Department did not receive the requested verification by the due date. Petitioner stated Petitioner did not receive the June

21, 2024, verification checklist. The Department indicated that the June 21, 2024, verification checklist was mailed to Petitioner's last-known mailing address and was not returned to the Department as undeliverable.

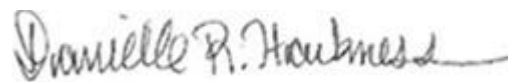
Documents properly addressed and placed in the mail are presumed to reach their destination. *Crawford v Michigan*, 208 Mich App 117, 121; 527 NW2d 30 (1994). "This - 2- presumption may be rebutted by evidence, but whether it was a question for the trier of fact." *Stacey v Sankovich*, 19 Mich App 688, 694; 173 NW2d 225 (1969). Plaintiff denied receipt of the papers but presented no evidence to rebut the presumption of receipt. The mere denial of service is insufficient to rebut the presumption. Cf. *Ins Co of North America v Issett*, 84 Mich App 45, 49; 269 NW2d 301 (1978); *James v James*, 57 Mich App 452, 454; 225 NW2d 804 (1975). In this case, the Department provided credible evidence that the June 21, 2024, verification checklist was mailed to Petitioner's last-known mailing address and was not returned as undeliverable. Petitioner's denial of service of the June 21, 2024, verification checklist is insufficient to rebut this presumption.

At the hearing, the department representative advised Petitioner that Petitioner needs to re-apply for MA. Petitioner requested that a paper application be mailed to her. The department representative indicated that a paper application will be mailed to Petitioner on September 12, 2024. Petitioner is encouraged to submit the completed application to the Department as soon as possible.

### **DECISION AND ORDER**

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 its policies and the applicable law when it closed Petitioner's MA case due to a failure to provide needed verification.

IT IS ORDERED the Department's decision is **AFFIRMED**.



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**Danielle R. Harkness**  
Administrative Law Judge

DH/pt

**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

**Via-Electronic Mail:**

**DHHS**  
Kim Cates  
Bay County DHHS  
1399 W. Center Road  
Essexville, MI 48732  
**MDHHS-Bay-Hearings@michigan.gov**

**Interested Parties**  
BSC2  
M. Schaefer  
EQAD  
MOAHR

**Via-First Class Mail:**

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