

*This opinion is nonprecedential except as provided by
Minn. R. Civ. App. P. 136.01, subd. 1(c).*

**STATE OF MINNESOTA
IN COURT OF APPEALS
A24-0079**

In re the Matter of:

Dmitri M Medvedovski,
Appellant,

vs.

the Commissioner of State of Minnesota Department of Human Services,
Respondent,

Ramsey County Social/Human Services Agency,
Respondent.

**Filed July 15, 2024
Affirmed
Bjorkman, Judge**

Ramsey County District Court
File No. 62-CV-23-4229

Dmitri M. Medvedovski, Lakemont, Georgia (pro se appellant)

Keith Ellison, Attorney General, R.J. Detrick, Assistant Attorney General, St. Paul,
Minnesota (for respondent Minnesota Department of Human Services)

John J. Choi, Ramsey County Attorney, Bradley Cousins, Assistant County Attorney,
St. Paul, Minnesota (for respondent Ramsey County Social Services Department)

Considered and decided by Slieter, Presiding Judge; Bjorkman, Judge; and Smith,
Tracy M., Judge.

NONPRECEDENTIAL OPINION

BJORKMAN, Judge

Appellant Dmitri M. Medvedovski challenges the district court's affirmance of a decision by the Minnesota Department of Human Services (DHS) that dismissed as untimely his appeal from a DHS determination that he was overpaid public benefits. Because substantial evidence supports the untimeliness determination, we affirm.

FACTS

Medvedovski received benefits from the Minnesota Supplemental Nutrition Assistance Program (SNAP) and Minnesota Supplemental Aid (MSA). On August 30, 2022, respondent Ramsey County Social Services Department (the county) sent Medvedovski notices that he was overpaid \$2,786 in SNAP benefits and \$1,296 in MSA benefits between May 2021 and August 2022 because he received them while residing outside the state. The county mailed the notices to Medvedovski at his address in Georgia. The notices explained that he had up to 90 days to appeal.

On June 13, 2023, Medvedovski filed an appeal with DHS. At the hearing on his appeal, Medvedovski testified, in relevant part, that the Georgia address indicated on the notices was his address at the time the notices were sent, but he did not receive the notices. County investigator Ron Tarlton testified that he spoke by telephone with Medvedovski on August 23, 2022, and Medvedovski said that he “just declared his residency in Georgia a few days ago” and gave the Georgia address indicated on the notices. Tarlton acknowledged that he honored Medvedovski's request to leave the address out of his report because Medvedovski said his address was confidential under the Safe at Home program.

County investigator Shawn Bentley testified that he received the Georgia address from Tarlton, updated county files to reflect the new address, and sent the notices to Medvedovski. Bentley explained that he sent the notices on August 30, 2022, and that county notices are “automatically sent out” via overnight mail using the address on file. Based on the testimony and exhibits, DHS found it “more likely than not that [Medvedovski] did receive the notice at his Georgia address shortly after reporting his change of address to the [county],” and dismissed the appeal as untimely.

Medvedovski appealed the DHS decision to the district court. Following a hearing, the district court affirmed, reasoning that DHS’s determination that Medvedovski’s appeal to DHS was untimely is supported by substantial evidence and consistent with Minnesota law.

Medvedovski appeals.

DECISION

Minnesota law permits a person to contest a decision regarding their public benefits by filing a request for a hearing with DHS within 30 days (or 90 days with good cause) “after receiving written notice” of the decision. Minn. Stat. § 256.045, subd. 3(i) (Supp. 2023). If the person is “aggrieved” by DHS’s decision following a hearing, they may appeal to the district court. *Id.*, subd. 7 (2022). And they may, in turn, appeal the district court’s decision “as in other civil cases.” *Id.*, subd. 9 (2022).

On appeal from a district court’s affirmance of a DHS decision, we review DHS’s decision independently, giving no deference to the district court’s review. *Zahler v. Minn. Dep’t of Hum. Servs.*, 624 N.W.2d 297, 301 (Minn. App. 2001), *rev. denied* (Minn. June

19, 2001). In doing so, we apply the review standards of Minn. Stat. § 14.69 (2022). *Verhein v. Piper*, 917 N.W.2d 96, 101 (Minn. App. 2018). We may reverse the DHS decision if, among other things, the appellant’s rights “may have been prejudiced” because the decision is affected by error of law, unsupported by substantial evidence, or arbitrary or capricious. Minn. Stat. § 14.69. But we presume that the DHS decision is correct. *In re Appeal by RS Eden/Eden House*, 928 N.W.2d 326, 332 (Minn. 2019). The party challenging the decision bears the burden of proving that it “was reached improperly.” *Cannon v. Minneapolis Police Dep’t*, 783 N.W.2d 182, 196 (Minn. App. 2010) (quotation omitted).

Medvedovski argues that DHS’s untimeliness determination lacks substantial evidentiary support. Substantial evidence means “(1) such relevant evidence as a reasonable mind might accept as adequate to support a conclusion; (2) more than a scintilla of evidence; (3) more than some evidence; (4) more than any evidence; or (5) the evidence considered in its entirety.” *In re Appeal of Staley*, 730 N.W.2d 289, 294 (Minn. App. 2007) (quotation omitted).

The determination that Medvedovski’s appeal was untimely turns on the finding that he received the overpayment notices shortly after August 30, 2022. That finding is based on the following evidence. The notices are addressed to Medvedovski’s Georgia address and dated August 30. Both Medvedovski and Tarlton testified that Medvedovski told Tarlton on August 22 that he was living at that address. Bentley testified that he received information from Tarlton regarding the new address, changed Medvedovski’s file to reflect the new address, and sent out the notices, which were automatically populated

with the address on file, on August 30. Nothing in the record suggests that the notices were returned to the county by the post office as undeliverable.

Medvedovski argues that, despite this evidence, the record does not support a finding that the notices were actually sent to his Georgia address on August 30, 2022, or that he received them, because (1) Bentley is not credible, (2) Tarlton promised not to put the Georgia address in his report, (3) various agencies continued to use his Minnesota address into 2023, and (4) he did not affirmatively ask the county to change his address to his Georgia address until June 2023. This argument is unavailing in all respects. As to Bentley's credibility, we defer to DHS's acceptance of his testimony. *Staley*, 730 N.W.2d at 294. And Medvedovski's three other assertions essentially amount to an argument that the record supports an alternative finding, which is not a sufficient basis to disturb DHS's otherwise supported finding. *See Webster v. Hennepin County*, 910 N.W.2d 420, 429 (Minn. 2018) (stating that substantial-evidence standard requires courts to view factual findings in the light most favorable to the decision and not to disturb those findings "if there is evidence reasonably tending to sustain them" (quotation omitted)).

Moreover, the finding that Medvedovski received the notice is consistent with the presumption in Minnesota law that, absent contrary evidence, "mail properly addressed and sent with postage prepaid is duly received by the addressee." *Nafstad v. Merch.*, 228 N.W.2d 548, 550 (Minn. 1975) (per curiam). Medvedovski contends he rebutted the presumption by testifying that he did not receive the notices. But under *Nafstad*, that denial merely "put the burden of proof upon [the county] to prove timely mailing by a fair preponderance of the evidence," which required it "to show evidence of habit or custom

with respect to mailing from the sender’s office, coupled with some evidence showing compliance with the custom in the particular instance.” *Id.* Bentley provided that evidence by testifying that the county sends overpayment notices through overnight mail using address information that automatically populates from its files, and that he used that process to send the notices to Medvedovski on August 30, 2022. And the notices themselves confirm this testimony because they bear Medvedovski’s Georgia address and that date.

In sum, substantial evidence supports the finding that Medvedovski received the August 30, 2022 overpayment notices and, therefore, his appeal filed June 13, 2023—more than nine months later—was untimely.¹

Affirmed.

¹ Medvedovski also argues that the district court erred by not staying the DHS decision to stave off collection efforts during the pendency of his appeal, and that the DHS decision violates the Double Jeopardy Clause because a prior DHS appeal resulted in a determination that he was not overpaid benefits. But Medvedovski forfeited his stay argument by failing to support it with legal analysis or authority, both before the district court and in this appeal. *See In re Est. of Rutt*, 824 N.W.2d 641, 648 (Minn. App. 2012). And his double-jeopardy argument fails because this matter involves recovery of public funds for which Medvedovski was not eligible, not prosecution of a criminal offense. *See Hudson v. United States*, 522 U.S. 93, 98-99 (1997).