

STATE OF MICHIGAN
STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES

ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF: [REDACTED]

Claimant

Reg. No: 2008-22660

Issue No: 2014

Case No: [REDACTED]

Load No: [REDACTED]

Hearing Date:

July 8, 2009

Genesee County DHS

ADMINISTRATIVE LAW JUDGE: Janice Spodarek

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9; and MCL 400.37 upon claimant's request for a hearing. After due notice, an in-person evidentiary hearing was held on July 8, 2009. Claimant was represented at the administrative hearing by

[REDACTED]

ISSUE

Did claimant and the department's representative come to an agreed-upon settlement at the evidentiary hearing?

FINDINGS OF FACT

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

(1) On 3/7/08, claimant applied for MA for herself, her spouse, and children. There is no issue herein regarding claimant's children.

(2) Claimant applied for three months of retro MA.

(3) The department stipulated at the administrative hearing that it has misplaced/lost the retro application.

(4) Claimant's representative and a supervisor with the department had engaged in some settlement negotiations, which were not resolved as of the administrative hearing. The supervisor was on annual leave during the week of the administrative hearing.

(5) Claimant's representative and the department's representative came to an agreed-upon settlement at the administrative hearing.

CONCLUSIONS OF LAW

The Medical Assistance (MA) program is established by Title XIX of the Social Security Act and is implemented by Title 42 of the Code of Federal Regulations (CFR). The Department of Human Services (DHS or department) administers the MA program pursuant to MCL 400.10, *et seq.*, and MCL 400.105. Department policies are found in the Program Administrative Manual (PAM), the Program Eligibility Manual (PEM) and the Program Reference Manual (PRM).

MCL 24.278(2) allows for disposition to be made of a contested case hearing by stipulation or agreed-upon settlement. At the evidentiary hearing held in this matter on 7/8/2009, claimant's representative and the department's representative came to an agreed-upon settlement.

The terms of the settlement are as follows:

The department agreed to reinstate claimant's 3/7/08 application and reprocess claimant's December, 2007 retro MA. The only month in dispute is the December, 2007 retro MA month. Claimant's representative had previously delivered to a FIM verification(s) necessary to reprocess. The department stipulated that it will do so and issue a disposition on the December, 2007 retro MA month. Should claimant dispute the outcome of the processing of the December, 2007 retro MA month, claimant shall retain a right to a hearing for 90 days from the date of the new notice.

DECISION AND ORDER

The Administrative Law Judge, based upon the agreed settlement, ORDERS the department to initiate the action as set forth in the settlement as specified herein.

/s/

Janice Spodarek
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: July 22, 2009

Date Mailed: July 23, 2009

NOTICE: Administrative Hearings may order a rehearing or reconsideration on either its own motion or at the request of a party within 30 days of the mailing date of this Decision and Order. Administrative Hearings will not order a rehearing or reconsideration on the Department's motion where the final decision cannot be implemented within 90 days of the filing of the original request.

The Claimant may appeal the Decision and Order to Circuit Court within 30 days of the mailing of the Decision and Order or, if a timely request for rehearing was made, within 30 days of the mailing date of the rehearing decision.

JS/cv

cc:

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