

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: 2008-27811
Issue No: 2006
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
June 4, 2009
Tuscola 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, a three-way telephone conference hearing was held on June 4, 2009. Claimant was represented by [REDACTED]

ISSUE

Did claimant and the DHS come to an agreed upon settlement at the administrative 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 11/29/07, claimant applied for MA-P with the Michigan DHS.
- (2) Claimant applied for three months of retro MA.
- (3) Claimant was represented at application by [REDACTED]

(4) Unrefuted evidence is that the worker involved erred in not notifying [REDACTED]

[REDACTED]

(5) On 7/21/08, the DHS denied claimant's application for failure to provide proof of marital status.

(6) At the administrative hearing, the department and claimant came to an agreed upon settlement.

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 on June 4, 2009, claimant and the department reached an agreed upon settlement. The conditions of the settlement are set forth below:

The department agreed to reinstate the 11/29/07 MA-P application, including three months of retro. Claimant agreed to provide further information/verification verifying that her husband was out of the home beginning July, 2007. Claimant also agreed to provide proof of income for the application month and for the three retro months. The department stipulated it will reprocess claimant's application and issue a disposition in writing. Claimant shall retain a right to hearing for 90 days from the date of the new notice.

DECISION AND ORDER

The Administrative Law Judge, based upon the agreed upon settlement, determines that the agreement is UPHELD.

The department is ORDERED to, as agreed, reinstate claimant's 11/29/07 application, including three months of retro, and reprocess this case in accordance with the agreed upon settlement.

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

Date Signed: July 7, 2009

Date Mailed: July 7, 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:

