

STATE OF MICHIGAN
STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES

ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF: [REDACTED] (Deceased)

Claimant

By: [REDACTED]

Spouse

Reg. No: 2009-1235

Issue No: 2021

Case No: [REDACTED]

Load No: [REDACTED]

Hearing Date:

September 10, 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, a hearing was held on September 10, 2009. Claimant is deceased. [REDACTED] represented claimant's spouse at the administrative hearing.

ISSUE

Did the parties 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 7/10/07, [REDACTED] applied for MA on behalf of claimant.
- (2) On 7/3/2008, the DHS issued the denial notice due to excess assets.
- (3) On 8/21/08, claimant filed a timely hearing request.
- (4) The department and claimant's representative came to an agreed upon settlement at

the administrative hearing. The terms of the settlement are set forth as follows:

The parties stipulate that claimant is asset eligible based upon sworn testimony on the record.

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 September 10, 2009, the parties came to an agreed upon settlement. The terms of the settlement are as follows:

The parties stipulate that claimant is asset eligible based upon sworn testimony on the record. The department agreed to reinstate claimant's 7/10/2007 application, including one retro month of June, 2007. The department will reprocess the application without the need to review asset eligibility finding claimant is in fact asset eligible. The department will issue a new written disposition as to the outcome. Should claimant dispute the outcome of the new disposition on this matter, claimant shall retain a right to a hearing for 90 days from the date of the new written notice as specified therein.

DECISION AND ORDER

The Administrative Law Judge, based upon the agreed upon settlement, ORDERS the department to initiate the actions 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: September 17, 2009

Date Mailed: September 17, 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:

