

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: 2009-14638

Issue No: 2021

Case No: [REDACTED]

Load No: [REDACTED]

Hearing Date:

September 10, 2009

Lapeer 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 with [REDACTED]. Claimant did not appear. His whereabouts is unknown.

ISSUE

Did claimant's representative and the department 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 8/29/08, claimant applied for MA.

- (2) Claimant applied for three months of retro MA.
- (3) ██████ is interested in the June, 2008 hospital bill. July, 2008 is not at issue.
- (4) On 10/22/08, the DHS denied claimant's 8/29/08 application for the following reason: "Adult retro--excess assets--adult's application month--excess income." Exhibit 27.
- (5) The department and claimant's representative came to an agreed upon settlement at the administrative hearing, the terms of the settlement set forth herein.

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, claimant's representative and the department came to an agreed upon settlement. The terms of the settlement are set forth as follows:

Claimant is currently open MA-N. The parties stipulate there is no July, 2008 issue. The parties stipulate that there is no May, 2008 eligibility but that old bills from May, 2008 will be considered in future deductible months. The parties agree that the current deductible for August, 2008 is incorrect and the department agrees to recalculate the spend down for August, 2008 and issue new notice. Claimant shall retain a right to a hearing for 90 days from the date of the new notice should claimant dispute the outcome of the new calculation. It appears that the deductible for June, 2008 is \$6,410.

DECISION AND ORDER

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

It is SO ORDERED.

/s/

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

Date Signed: September 17, 2009

Date Mailed: September 18, 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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