

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: 2009-18667

Issue No: 2010

Case No: [REDACTED]

Load No: [REDACTED]

Hearing Date:

March 13, 2009

Macomb County DHS

ADMINISTRATIVE LAW JUDGE: Marya A. Nelson-Davis

HEARING DECISION

The law, MCL 24.278(2); MSA 3.560(178)(2) provides that a disposition may be made of a contested case hearing by stipulation or agreed settlement. In this case, the Department agreed to rescind its negative action to deny Claimant's request for Medical Assistance (MA) due to divestment. The Department agreed to remove the MA divestment penalty period (November 1, 2008 through January 20, 2010) on May 21, 2009, after determining that the transfer of the asset(s) in question was not divestment as defined in Department policy. **Therefore, the Department must determine Claimant's eligibility for MA in accordance with Department policy, if it has not already done so.** Claimant retains a right to request a hearing on the above MA eligibility determination as long as he does so within 90 days from the date of the department's written notice, pursuant to PAM Item 600.

Accordingly, it is not necessary for the Administrative Law Judge to decide the matter that was in dispute. Pursuant to MAC R 400.906 and 400.903, Claimant's hearing request is HEREBY DISMISSED, because Appellant is no longer aggrieved by the Department's action.

DECISION AND ORDER

The Administrative Law Judge based on the agreed upon settlement ORDERS that Claimant's hearing request is DISMISSED; and the department shall determine the MA benefits that Claimant is otherwise eligible to receive immediately upon receiving this Decision and Order, if it has not already done so.

/s/ _____
Marya A. Nelson-Davis
Administrative Law Judge
Department of Human Services

Date Signed: 6/15/09

Date Mailed: 6/15/09

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.

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