

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: 2009-20257
Issue No: 2006
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
October 14, 2009
Ingham County DHS

ADMINISTRATIVE LAW JUDGE: Marlene B. Magyar

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 telephone hearing was held on October 14, 2009. Claimant did not appear; however, she was represented by [REDACTED]

ISSUE

Did the department and claimant's authorized representative fully resolve the disputed issue by binding settlement offer and agreement?

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 July 31, 2008, claimant's authorized representative ([REDACTED]) filed an MA/retro-MA application on her behalf.

(2) ██████ requested to be copied on all correspondence necessary for application processing.

(3) On December 15, 2008, the department notified claimant and her authorized representative the disputed application was being denied based on claimant's failure to attend a required medical appointment (Department Exhibit #1, pg 6).

(4) Claimant's authorized representative filed a timely hearing request; the hearing was held on October 14, 2009.

(5) At hearing, the department's witness stipulated to departmental error in twice failing to send a copy of the required medical appointment to claimant's authorized representative.

(6) The department's witness offered to settle this dispute on the record by reinstating/re-registering claimant's July 31, 2008 MA/retro-MA application and scheduling the missed appointment again, this time properly notifying ██████████ of the day, date, place and time of said appointment as required by policy.

(7) Claimant's authorized representative accepted the department's offer of settlement and stipulated that it would fully resolve the disputed issue in a manner consistent with that set forth on the hearing request filed March 12, 2009.

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).

The law, MCL 24.278(2); MSA 3.560(178)(2), provides that disposition may be made of a contested case hearing by stipulation or agreed settlement on the record. Both parties agreed to the settlement terms set forth above.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides claimant's authorized representative and the department entered into a valid, binding settlement agreement on the record at hearing.

Accordingly, this case is returned to the local office for implementation of the settlement terms. **SO ORDERED.**

/s/ _____
Marlene B. Magyar
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: October 19, 2009

Date Mailed: October 20, 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 receipt of the Decision and Order or, if a timely request for rehearing was made, within 30 days of the receipt date of the rehearing decision.

2009-20257/mbm

MBM/db

cc:

