

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: 2009-26570

Issue No: 2015

Case No: [REDACTED]

Load No: [REDACTED]

Hearing Date:

August 13, 2009

Kalamazoo 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 August 13, 2009. Claimant did not appear. Claimant was represented by her representative [REDACTED]

ISSUE

Did the parties come to an agreed upon settlement at the evidentiary 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 7/23/08, claimant applied for MA-P. Claimant was represented by [REDACTED]

- (2) Claimant applied for two months of retro MA.
- (3) ██████ requested that the department assess all possible MA categories.
- (4) The DHS processed the case as an MA-P only and forwarded the medical packet to MRT. MRT denied. On 2/6/09, the DHS issued a denial letter to claimant and ██████
- (5) The department stipulated at the administrative hearing that it failed to consider MA-N and retro coverage as requested by ██████
- (6) On May 5, 2009, claimant filed a timely hearing request.

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 8/13/2009, the parties came to an agreed upon settlement. The terms of the settlement are as follows:

The department stipulated that it should have and will process an MA-N medical application on behalf of claimant. The department stipulated it will reinstate claimant's 7/23/08 medical application, including any retro months. The department will reassess MA-N eligibility. The department shall issue any verification checklist(s) to claimant's representative if necessary and follow policy regarding general verification. The department shall issue notice to claimant's representative informing the representative of the outcome of the MA-N reprocessing. Claimant's representative shall retain a right to a hearing for 90 days from the date of new notice should claimant's representative dispute the outcome of the new determination.

DECISION AND ORDER

The Administrative Law Judge, based upon the agreed 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: August 31, 2009

Date Mailed: September 2, 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

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