

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.: 2009-33061
Issue No.: 2006
Case No.: [REDACTED]
Load No.: [REDACTED]
Hearing Date:
March 31, 2010
Oakland County DHS (03)

ADMINISTRATIVE LAW JUDGE: Linda Steadley Schwarb

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 March 31, 2010. Claimant appeared and testified.

ISSUE

Did the Department of Human Services (DHS or department) properly terminate claimant's Medical Assistance (MA-N) case?

FINDINGS OF FACT

The Administrative Law Judge, based upon the competent, material and substantial evidence on the whole record, finds as material fact:

- 1) Claimant was a recipient of ongoing MA-N benefits.
- 2) On June 18, 2009, the department notified claimant of its intent to terminate claimant's program benefits.

- 3) On June 26, 2009, claimant's filed a timely hearing request to protest the department's proposed negative action.
- 4) On July 1, 2009, the department terminated claimant's MA-N program benefits.
- 5) At the hearing, the parties reached an accord. The department agreed that, if by April 11, 2010, the department received a completed DHS-1171 Application for Benefits, the department would initiate consideration of claimant's eligibility for MA effective July 1, 2009.
- 6) Claimant indicated satisfaction with the department's proposal.

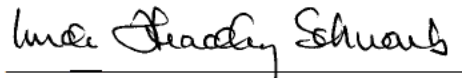
CONCLUSIONS OF LAW

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 provides that disposition may be made of a contested case by stipulation or agreed settlement. MCL 24.278(2). In this case, the parties reached an accord. The department agreed that, if by April 11, 2010, the department receives a completed DHS-1171 Application for Benefits from claimant, the department will initiate consideration of claimant's eligibility for MA program benefits effective July 1, 2009. Claimant indicated satisfaction with the settlement.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that, if by April 11, 2010, the department receives a completed DHS-1171 Application for Benefits from claimant, the department shall initiate consideration of claimant's eligibility for Medical Assistance program benefits effective July 1, 2009. If an application is received, the department shall notify claimant of its determination in writing.



Linda Steadley Schwarb
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: April 6, 2010

Date Mailed: April 6, 2010

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 receipt date of the rehearing decision.

LSS/pf

cc:

