

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: 2009-35270

Issue No: 2006

Case No:

[REDACTED]

Load No:

Hearing Date:

March 4, 2010

Monroe County DHS

ADMINISTRATIVE LAW JUDGE: Janice G. 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 telephone hearing was held on March 4, 2010

ISSUE

Did claimant 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) At all relevant times prior to the proposed negative action, claimant was a Medicaid recipient with the Michigan DHS.

(2) Claimant's case was reviewed in July, 2009. At that time, the department determined that claimant failed to return the verifications requested by the department and

proposed to close the case due to claimant's failure to comply with the redetermination process.

The department issued notice on 7/20/09 with an effective date of the action of 8/1/09.

(3) Claimant filed a timely hearing request on 7/27/09. The department reinstated the action pending the outcome of the hearing.

(4) At the administrative hearing, the department indicated that subsequent to the proposed closure, asset and verification information was provided and claimant's redetermination was processed and there was no loss of benefits.

(5) The department and claimant came to an agreed upon settlement at the evidentiary hearing.

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 on March 4, 2010, claimant and the department's representative reached an agreed upon settlement. Claimant and the department agreed that there is no issue left to review as the department reinstated the proposed closure and claimant did not lose any benefits. This Decision and Order is being issued to insure that there is no loss of benefits in claimant's MA case. If there should be, then claimant will be entitled to a hearing.

DECISION AND ORDER

There is no issue left to review as the department reinstated claimant's Medicaid case pursuant to the July, 2009 redetermination. Claimant should not have lost any MA benefits.

/s/ _____
Janice G. Spodarek
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: April 16, 2010

Date Mailed: April 16, 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 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.

JS/lk

cc:

