

STATE OF MICHIGAN
STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES

ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF: [REDACTED]

Claimant

By: [REDACTED]

Reg. No: 2009-13773

Issue No: 2006

Case No: [REDACTED]

Load No: [REDACTED]

Hearing Date:

October 20, 2009

Kent 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 spouse's authorization requesting a hearing. After due notice, a telephone conference hearing was held on October 20, 2007. Claimant's spouse was represented at the administrative hearing by his son, [REDACTED]

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) On 11/7/08, claimant applied for MA and retro MA.
- (2) On 1/6/09, the DHS denied for failure to verify.

(3) At the administrative hearing, the department realized it erred in not requesting the verification for which it subsequently denied.

(4) Claimant subsequently reapplied. Claimant's MA was opened with retro back to October, 2008. The only months left to review herein are August and September, 2008, retro.

(5) The parties came to an agreed upon settlement at the administrative 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 held on October 20, 2009, claimant and the department came to an agreed upon settlement. The terms of the settlement are as follows:

The department stipulated that it has all necessary verifications in its possession to reprocess claimant's November 7, 2008 application with retro MA. The parties stipulated that claimant was subsequently approved beginning 10/1/2008, leaving the only months not covered--August and September, 2008. The department agreed to reprocess eligibility for August and September, 2008. The department shall issue new notice to claimant. Should claimant dispute the outcome of the new notice, claimant shall retain a right to hearing for 90 days from the date of the new notice as specified in that notice.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the department and claimant came to an agreed upon settlement at the

evidentiary hearing. The terms of which are set forth herein and the terms of which are UPHELD.

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

Date Signed: October 29, 2009

Date Mailed: October 29, 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

cc:

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