

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]
[REDACTED]

Reg. No: 2009-17425

Issue No: 6033

Case No: [REDACTED]

Load No: [REDACTED]

Hearing Date:

July 13, 2010

Alpena 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 claimant's request for a hearing. After due notice, a three-way telephone hearing was held on July 13, 2010.

ISSUE

Did the DHS and counsel for claimant 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) In February, 2009 the DHS and/or the department responsible for audit reviews determined that claimant was not eligible for Title IV-E funding.

(2) On February 5, 2009, the DHS issued a notice to the Guardian at Litem for claimant indicating that the Title IV-E funding for out of home care was being denied.

(3) On February 18, 2009, the DHS received a hearing request.

(4) At the evidentiary hearing held on July 13, 2010, the parties came to an agreed-upon settlement, the terms which are set forth below.

CONCLUSIONS OF LAW

Legal authority for Title IV-E is found at 45 CFR 1356; 65 CFR 4055-56.

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 July 13, 2010, the DHS and the Guardian at Litem for claimant came to an agreed upon settlement. The terms of the settlement are as follows:

DHS agrees that claimant is eligible for Title IV-E funding from August 14, 2008 under June 25, 2009, with the exception that any time during this time, he was not in Title IV-E placement.

The department shall issue new written notice to the Guardian at Litem indicating eligibility. Should there be a misunderstanding or confusion regarding the implementation of the agreement, claimant by way of his [REDACTED] shall retain a right to a hearing for 90 days from the date of the written eligibility notice. 42 CFR 431.221, 45 CFR 205.10; BAM Item 600.

DECISION AND ORDER

The Administrative Law Judge, based upon the agreed-upon settlement, orders the agency to initiate the action as set forth in this settlement as specified herein.

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

Date Signed: July 28, 2010

Date Mailed: July 29, 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.

JGS/tg

cc:

