

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.: 2009-26529  
Issue No.: 2000  
Case No.: [REDACTED]  
Load No.: [REDACTED]  
Hearing Date:  
February 8, 2010  
Macomb County DHS (36)

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 February 8, 2010. Claimant appeared and testified. Claimant was represented by [REDACTED].

ISSUE

Did the Department of Human Services (DHS or department) properly determine claimant's eligibility for Medical Assistance (MA)?

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 November 18, 2008, the department received a DHS-2565 Faculty Admission Notice regarding claimant's hospitalization in [REDACTED].

- 2) On March 13, 2009, a hearing request was filed on claimant's behalf to protest the department's failure to provide requested benefits.
- 3) At the hearing, the parties reached an accord. Contingent upon receipt of a completed DHS-1171 and 3243, the department agreed to initiate consideration of claimant's eligibility for MA effective November of 2008 as well as eligibility for retroactive MA for the months of August and September of 2008. The department agreed to notify claimant and her authorized representative of its determination in writing and, if appropriate, provide an MSA-1038, Billings Exception.
- 4) Claimant and her authorized representative indicated satisfaction with the department's plan of action.

#### CONCLUSIONS OF LAW

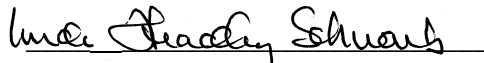
The Medical Assistance (MA) program is established by Title XIX of the Social Security Act and is implemented by Title 42 of the Code of Federal Regulations (CFR). The Department of Human Services (DHS or department) administers the MA program pursuant to MCL 400.10, *et seq.*, and MCL 400.105. Department 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. Contingent upon receipt of a completed DHS-1171 and 3243, the department agreed to initiate consideration of claimant's eligibility for MA effective November of 2008 as well as eligibility for retroactive MA for the months of August and September of 2008. The department agreed to notify claimant

and her authorized representative of its determination in writing and, if appropriate, provide an MSA-1038, Billings Exception. Claimant and her authorized representative indicated satisfaction with the department's plan of action.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that, contingent upon receipt of a completed DHS-1138 and 3243, the department shall initiate consideration of claimant's eligibility for Medical Assistance effective November of 2008 as well as eligibility for retroactive Medical Assistance for the months of August and September of 2008. The department shall notify claimant and her authorized representative of its determination in writing and, if appropriate, provide an MSA-1038, Billings Exception.

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

Date Signed: March 29, 2010

Date Mailed: March 30, 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:

