

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: 2009-3135

Issue No: 2026

Case No: [REDACTED]

Load No: [REDACTED]

Hearing Date:

September 30, 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 request for a hearing. After due notice, a telephone hearing was held on September 30, 2009.

ISSUE

Did the Department of Human Services (DHS) and claimant 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 9/17/08, the DHS ran an MA budget determining claimant was eligible for the same deductible amount as a previously-run budget in February, 2008.

(2) On 9/17/08, the department issued notice to claimant informing him of a continuing deductible case.

(3) On 9/29/08, claimant filed a hearing request.

(4) At the evidentiary hearing, claimant and the department came to an agreed upon settlement, the terms of which are set forth below.

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 in this matter on 9/30/2009, claimant and the department came to an agreed upon settlement, the terms of which are as follows:

The department stipulated that claimant provided verification of having been a DAC since 1997, entitling claimant to full MA while falling under the DAC Social Security classification. The department stipulated and agrees to place claimant back on a full MA case beginning with the date at which he was placed on a deductible. The department was unclear as to what that date was but agreed that claimant will have an active MA case back to when the deductible began. The department stipulated that it will 'fret' coverage.

DECISION AND ORDER

The Administrative Law Judge, based upon the agreed upon settlement, ORDERS the department to initiate the actions as set forth in the settlement as specified herein. The department shall issue notice to claimant informing him of the date at which the department retroactively changed claimant's deductible case to an active MA case. Should claimant dispute

the date that the department reactivates claimant, claimant shall retain a right to a hearing for 90 days from the date of the new notice to address this issue.

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

Date Signed: October 5, 2009

Date Mailed: October 6, 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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