

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: 2009-4988
Issue No: 2006
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
February 17, 2009
Macomb County DHS

ADMINISTRATIVE LAW JUDGE: Marlene B. Magyar

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 February 17, 2009. Claimant personally appeared.

ISSUE

Did the department and claimant fully resolve claimant's grievance by binding settlement offer and agreement?

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 [REDACTED], claimant filed a timely hearing request to protest the proposed closure of her Medicaid (MA) case based on a purported noncooperation in submitting verification of certain, specific [REDACTED] [REDACTED]s.

(2) Claimant's hearing was held on [REDACTED].

(3) Claimant stipulated at hearing the department's proposed [REDACTED] case closure (deleted pending hearing) was the sole, unresolved issue.

(4) At hearing, the department's witness offered to allow claimant the opportunity to provide the missing information in accordance with the department's verification policy, as set forth in PAM Item 130.

(5) The department's witness stipulated that, if claimant cooperated within the time period allowed (10 days), the proposed [REDACTED] case closure would be deleted permanently with no lapse in coverage (i. e., no negative action).

(6) Claimant stipulated at hearing she was ready, willing and able to comply with the department's offer of settlement in exchange for [REDACTED] benefit continuation.

(7) Claimant made this representation on the above-referenced terms knowingly, willingly and without coercion or duress on the record at 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).

The law MCL 24.278(2); MSA 3.560(178)(2), provides that disposition may be made of a contested case hearing by stipulation or agreed settlement. Both parties have agreed to the settlement terms set forth above.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that claimant and the department entered into a valid, binding settlement agreement on the record at hearing.

Accordingly, this case is returned to the local office for implementation of the settlement terms. **SO ORDERED.**

/s/ _____
Marlene B. Magyar
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: _____

Date Mailed: _____

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.

MBM/db

cc: _____

