

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: 2010-10633
Issue No: 2000
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
June 8, 2010
Jackson 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 telephone conference hearing was held on June 8, 2010. Claimant was represented by his spouse, who was represented at the administrative hearing by [REDACTED].

ISSUE

Did the department and claimant's representative come 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. A stipulation or agreed upon settlement. At the evidentiary hearing held on June 8, 2010, the department and claimant's attorney came to an agreed upon settlement. The terms of the settlement are as follows:

The DHS agrees to place claimant on MA from October 1, 2008 until January 31, 2009.

The department shall issue written notice to claimant's attorney informing him as to when the change is made. Claimant shall retain a right to request a hearing on the future action for 90 days from the date of the written notice. 42 CFR 431.221; 45 CFR 205.10; PAM Item 600.

DECISION AND ORDER

The Administrative Law Judge, based upon the agreed settlement, ORDERS the agency to take the actions as set forth in the settlement as specified herein.

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

Date Signed: June 9, 2010

Date Mailed: June 9, 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.

2010-10633/JGS

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:

