STATE OF MICHIGAN STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES

ADMINISTRATIVE HEARINGS FOR THE DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF:

Claimant

Reg. No:2010-10979Issue No:2009Case No:1000Load No:1000Hearing Date:1000January 27, 20101000Macomb County DHS

ADMINISTRATIVE LAW JUDGE: Marya A. Nelson-Davis

HEARING DECISION

The law, MCL 24.278(2); MSA 3.560(178)(2) provides that a disposition may be made of a contested case hearing by stipulation or agreed settlement. In this case, a hearing request was filed on Claimant's behalf, protesting the denial of Medical Assistance (MA) based on disability. The Department received Claimant's application for MA on March 6, 2009. Claimant requested coverage retro to December 2008. Claimant's representative stated at the administrative hearing that Claimant is protesting the denial of MA coverage for the month of December 2008, only.

On the day of the administrative hearing, the Department received verification that the Social Security Administration (SSA) approved Claimant for Retirement, Survivors, and Disability Insurance (RSDI). SSA determined that Claimant's disability onset date is October 13, 2007, and his date of initial entitlement for RSDI is April 1, 2008. Based on SSA's disability determination, the Department agreed that Claimant meets the disability standard for MA for the month of December 2008. Further, the Department agreed to determine whether Claimant is otherwise eligible for MA, effective December 2008, in accordance with the applicable law and policy. Claimant retains a right to request a hearing on this MA eligibility determination as long as he does so within 90 days from the date of the department's written notice, pursuant to PAM Item 600.

Accordingly, it is not necessary for the Administrative Law Judge to decide the matter that was in dispute. Pursuant to MAC R 400.906 and 400.903, Claimant's hearing request is HEREBY DISMISSED, because he is no longer aggrieved by the Department's action.

DECISION AND ORDER

The Administrative Law Judge based on the agreed upon settlement ORDERS that Claimant's hearing request is DISMISSED; and the department shall determine whether Claimant is otherwise eligible for MA effective December 2008.

/s/____

Marya A. Nelson-Davis Administrative Law Judge for Ismael Ahmed, Director Department of Human Services

Date Signed: January 28, 2009

Date Mailed: January 29, 2009

2010-10979/mand

MAND/db

