

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: 2010-13690
Issue No: 2006
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
April 21, 2010
Lapeer 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 April 21, 2010. Claimant did not appear; however, she was represented by [REDACTED]

ISSUE

Did the department and claimant's authorized representative 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 April 27, 2009, claimant's authorized representative filed an MA/retro-MA application on claimant's behalf.

(2) On May 30, 2009, the department notified claimant and her authorized representative in writing the application was being denied for failure to timely return requested verifications (Department Exhibit #1, pg 17).

(3) Claimant's authorized representative filed a timely hearing request; consequently, a telephone conference hearing was held on April 21, 2010.

(4) The department's witness stipulated on the record at hearing only two extensions for submission of the requested verifications were granted despite the department's policy in BAM Item 130, pg 5, which requires the local office to extend the time limit up to three times if a reasonable effort to comply is being made.

(5) The department's exhibit confirms claimant's authorized representative made every reasonable effort to comply; consequently, the department's witness made a settlement offer (Department Exhibit #1, pgs 12 and 13).

(6) The department's witness offered to reinstate the disputed application and process it in accordance with the department's policy.

(7) Claimant's authorized representative accepted the department's offer of settlement in full resolution of his client's grievance.

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 claimant's authorized representative and the department entered into a valid, binding settlement 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: May 10, 2010

Date Mailed: May 11, 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 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.

2010-13690/mbm

MBM/db

cc:

