

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: 2010-7468
Issue No: 2000
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
March 23, 2010
Roscommon County DHS

ADMINISTRATIVE LAW JUDGE: Janice G. 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 three-way telephone evidentiary hearing was held on March 23, 2010. Claimant was represented by [REDACTED] with [REDACTED] of Lansing, Michigan.

ISSUE

Did the Department of Human Services (DHS) and claimant's representative come to an agreed upon settlement at the evidentiary 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 3/11/09 claimant applied for MA-P and retro MA benefits with the Genesee County DHS.

(2) On 7/29/09 the Genesee County DHS denied claimant's application. Claimant filed a hearing request on 10/26/09.

(3) Claimant subsequently moved to Roscommon County where the hearing request was filed.

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

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 Family Independence Agency (FIA or agency) administers the MA program pursuant to MCL 400.10, *et seq.*, and MCL 400.105; MSA 16.490(15). Agency 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 on March 23, 2010, the department and claimant's representative came to an agreed upon settlement. The terms are as follows:

The department agrees to register the 3/11/09 application, including retro February, 2009. The department agrees to open an MA case due to a social security favorable ruling on behalf of claimant with retro to February, 2009, if eligibility otherwise exists.

DECISION AND ORDER

The Administrative Law Judge, based upon the agreed upon settlement, orders the agency to initiate the actions as set forth in the hearing and specified herein.

/s/

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

Date Signed: March 24, 2010

Date Mailed: March 26, 2010

cc:

