# STATE OF MICHIGAN STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES ADMINISTRATIVE HEARINGS FOR THE DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF:

Detroit, MI 48205

201039302

Reg. No: Issue No:

2000

Hearing Date: October 26, 2010

Wayne 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 upon claimant's request for a hearing. After due notice, a 3-way telephone hearing was held on October 26, 2010. Claimant did not appear pursuing to instructions by her representative. Claimant was represented by Lansing, Michigan.

#### ISSUE

Did the Department of Human Services (DHS) and claimant's representative come to an agreed upon settlement at the Administrative 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) Claimant applied for MA with the Michigan DHS.
- (2) On January 4, 2010, the department denied claimant.
- (3) On March 16, 2010, claimant filed a hearing request. Due to numerous dismissals in related issues, claimant's hearing request was reinstated.
- On October 7, 2010, DHS issued a notice for a telephone hearing on (4) October 26, 2010. At the evidentiary hearing on October 26, 2010, the department and claimant's representative came to an agreed upon settlement, the terms of which are set below.

## **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 allows for disposition to be made of a contested case hearing by stipulation or agreed upon settlement. At the evidentiary hearing held on October 26, 2010, claimant's representative and the department came to an agreed upon settlement. The terms of the settlement are as follows;

Claimant was an approved Social Security Disability pursuant to an August 18, 2010 decision with an onset date of March 18, 2009. Claimant's representative request Medicaid for April, 2010. The department agreed to open MA on behalf of claimant for April, 2010 provided the non-financial eligibility criteria are met.

#### **DECISION AND ORDER**

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the department's and claimant's representative's agreement is hereby UPHELD.

Accordingly, the department is ORDERED to initiate the terms of the agreement as specified herein.

	/s/
	Janice Spodarek Administrative Law Judge for Ismael Ahmed, Director Department of Human Services
Date Signed:11/09/2010	Department of Flaman Cervices
Date Mailed: <u>11/09/2010</u>	

**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 mailing of the Decision and Order or, if a timely request for rehearing was made, within 30 days of the mailing date of the rehearing decision.

