

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

IN THE MATTER:

[REDACTED]

Reg No. 201042039
Issue No. 2000
Case No. [REDACTED]
Load No. [REDACTED]
Hearing Date: October 27, 2010
Ingham 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 the claimant's request for a hearing. After due notice, a telephone hearing was held on October 27, 2010. Claimant did not appear; however, she was represented by [REDACTED]

ISSUE

Did the department and claimant's authorized representative fully resolve the disputed issued 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 a material fact:

1. On October 13, 2009, claimant's authorized representative filed a Medicaid (MA)/retro-MA application on her behalf.
2. On March 12, 2010, claimant's authorized representative received their first and only departmental transmittal in this matter retroactively dated "December 29, 2009."
3. Claimant's authorized representative filed a timely hearing request, and the hearing was held by telephone conference on October 27, 2010.

4. At hearing, the department's witness offered to settle this dispute by reinstating claimant's disputed application to the October 13, 2009 filing date and reprocessing it to completion in compliance with the department's verification and application processing policies, which include sending all requests and notices to an applicant's authorized representative.
5. Claimant's authorized representative accepted the department's offer of settlement with retention of the right to file a new hearing request if the terms of the settlement are not completed or if he disagrees with the department's final decision

CONCLUSIONS OF LAW

The Medical Assistance (MA) program is established by the 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 (formerly known as the Family Independence Agency) administers the MA program pursuant to MCL 400.10, *et seq.*, and MCL 400.105. Department policies are found in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Program Reference Manual (PRM).

The law, MCL 24.278(2); MSA 3.560(178)(2), provide 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 agreement on the record at hearing.

Accordingly, this case is returned to the local office for implementation of the settlement terms. **SO ORDERED.**

Marlene B. Magyar
Administrative Law Judge
For Ismael Ahmed, Director
Department of Human Services

Date Signed: _____

Date Mailed: _____

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.

MBM/db

cc:

