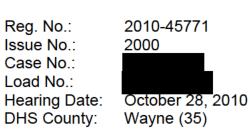STATE OF MICHIGAN
STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES
ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF:

█████████████

Reg. No.: 2010-45771
Issue No.: 2000
Case No.: ████████
Load No.: ████████
Hearing Date: October 28, 2010
DHS County: Wayne (35)

ADMINISTRATIVE LAW JUDGE: **Jan Leventer**

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37 and Claimant's request for a hearing by and through his Authorized Representative, ██████████████████████. After due notice, a telephone hearing was held on October 28, 2010. Claimant did not appear and, in his stead, the Authorized Representative appeared and testified. ████████████████████ ███████, appeared and testified for the Department of Human Services.

ISSUE

Whether DHS shall process Claimant's application for Medical Assistance (MA or Medicaid) benefits?

FINDINGS OF FACT

The Administrative Law Judge, based on competent, material, and substantial evidence in the record and on the entire record as a whole, finds as fact:

1.   In 2003, 2006 and 2007, Claimant was approved for MA benefits.

2.   On January 28, 2009, Claimant submitted an application for MA benefits.

3.   As of this date, DHS has not processed his application.

4.   Claimant may be required to apply for Social Security disability benefits as a part of the application process.

5.   On April 7, 2010, Claimant filed a notice of hearing request with DHS.

6.   At the hearing, the Department agreed to reopen and process Claimant's case retroactive to January 28, 2009.

7.   As a result of this agreement, Claimant, via his Representative, indicated that he no longer wished to proceed with the hearing.

CONCLUSIONS OF LAW

MA was established by Title XIX of the Social Security Act and is implemented by Title 42 of the Code of Federal Regulations. DHS administers the MA program pursuant to MCL 400.10, *et seq.*, and MCL 400.105.   DHS policies are found in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Reference Tables Manual (RFT).   These manuals are available online at www.michigan.gov/dhs-manuals.

Under BAM Item 600, clients have the right to contest any DHS decision affecting eligibility or benefit levels whenever they believe the decision is illegal. DHS provides an Administrative Hearing to review the decision and determine if it is appropriate. DHS policy includes procedures to meet the minimal requirements for a fair hearing. Efforts to clarify and resolve the client's concerns start when DHS receives a hearing request and continues through the day of the hearing.

In the present case, DHS has agreed to reinstate and process Claimant's Medical Assistance retroactive to January 28, 2009. As a result of this agreement, Claimant's Representative indicated he no longer wished to proceed with the hearing. Since the Claimant and the Department have come to an agreement, it is unnecessary for the Administrative Law Judge to make a decision regarding the facts and issues in this case.

DECISION AND ORDER

The Administrative Law Judge, based on the above findings of fact and conclusions of law, finds that DHS and Claimant have come to a settlement regarding Claimant's request for a hearing. Therefore, it is ORDERED that DHS will reinstate and process Claimant's MA application retroactive to January 28, 2009, in accordance with this settlement agreement.

Jan Leventer

Jan Leventer
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: November 1, 2010

Date Mailed: November 1, 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 mailing 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.

JL/pf

cc: