

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

IN THE MATTER OF:



Reg. No: 201054471
Issue No: 2027
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date: December 14, 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 telephone hearing was held on 12/14/10. Claimant was represented at the administrative hearing by her daughter who has power of attorney.

ISSUE

Did the DHS and claimant 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. At all relevant times prior to the action herein, claimant had an active DAC Medicaid case.
2. Claimant's DAC case was reviewed in June, 2010. The department determined that claimant was not eligible.
3. The department issued notice that claimant's DAC case will close.
4. Claimant filed a timely hearing request.

5. The department and claimant's representative came to an agreed upon settlement at the evidentiary hearing, the terms of which are set forth 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(2) allows for disposition to be made of a contested case hearing as stipulation or agreed upon settlement. At the evidentiary hearing held 12/14/10 claimant's representative and the department came to an agreed upon settlement. The terms of the settlement are as follows:

The DHS agreed to forward claimant's case to the Medicaid Policy Unit in Lansing for a second opinion regarding claimant's DAC eligibility.

DECISION AND ORDER

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

According, the department is ordered to initiate the terms of the agreement as set forth herein. The department shall issue new notice in writing informing claimant's representative as to the second opinion it obtains from the Medicaid Policy Unit in Lansing. Should claimant dispute the outcome of the assessment, claimant shall retain a right to a hearing for 90 days from the date of the notice which shall relate back to the original date of closure herein.

/s/ _____
Janice Spodarek
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: December 28, 2010

Date Mailed: December 28, 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.

JS/vc

cc:

