

STATE OF MICHIGAN
MICHIGAN ADMINISTRATIVE HEARING SYSTEM
ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF:

[REDACTED]

Reg. No: 20107879
Issue No: 2020
Case No: [REDACTED]
Hearing Date: May 19, 2010
Menominee 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 telephone hearing was held on May 19, 2010. Claimant was represented at the hearing by [REDACTED]

ISSUE

Did the department representative and claimant's attorney come to an agreed upon settlement subsequent to 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 LTC on June 30, 2009.
2. Claimant was subsequently approved but denied one month—May 2009.
3. A complex and factually intensive evidentiary hearing was held on May 19, 2010. At that time, the record was held open to give claimant an opportunity to provide verification/documentation to the department regarding a refusal to sell affidavit.
4. The department's representative issued an email to the undersigned Administrative Law Judge indicating that the department will go ahead and process an open/pay for the month of March, 2009.

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 400.37 allows for disposition to be made of a contested case hearing based on stipulation or agreed upon settlement.

In this matter, the department representative and client's counsel came to an agreed upon settlement. The department indicated that it would approve March, 2009 long term care. Thus, there is no substantive issue left to review.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the agreement between claimant's attorney and the department's representative to approve and open LTC on behalf of claimant for March, 2009 was correct and hereby UPHELD.

_____/S/_____
Janice G. Spodarek
Administrative Law Judge
for Maura D. Corrigan, Director
Department of Human Services

Date Signed: May 13, 2011

Date Mailed: May 13, 2011

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.

20107879/jgs

JGS/db

cc:

