

STATE OF MICHIGAN
STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES

ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF: [REDACTED],
Claimant

Reg. No: 2010-11548
Issue No: 2000
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
June 29, 2010
Genesee 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 representative's request for a hearing. After due notice, a three-way telephone hearing was held on June 29, 2010. Claimant was represented by [REDACTED] who appeared from a Lansing office; claimant appeared in person at the county office.

ISSUE

Did claimant's representative and the DHS come to an agreed-on settlement at the evidentiary hearing held on June 29, 2010?

FINDINGS OF FACT

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

- (1) On January 28, 2009, [REDACTED] filed an MA application on behalf of claimant with three months of retro MA.
- (2) The application was incomplete.

(3) The department failed to process this application in accordance with its policy and procedure.

(4) The department stipulated at the administrative hearing that it will reprocess the application.

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 by stipulation or agreed-upon settlement. At the evidentiary hearing held on June 29, 2010, the department and claimant's representative came to an agreed-up settlement, the terms of which are set forth as follows:

The DHS stipulated that it did not properly follow its policy in BAM 115 with regards to issuing required forms (DHS-723 and DHS-330) when the department receives an incomplete application. The department stipulated that it now has all necessary verifications and forms to reprocess the application. The department stipulated that it will reinstate the 1/28/2009 application, including three months of retro and reprocess the application. The department shall issue written notice to claimant's representative informing the representative of the outcome of reprocessing the application. Claimant's representative shall have a right to a hearing on the substantive issue for 90 days from the date of new notice, in accordance with the usual hearing rights, outlined in its policy and procedure and as stated on any notice of case action.

DECISION AND ORDER

The Administrative Law Judge, based upon the agreed-upon settlement, Orders the department to initiate the actions as set forth in the settlement as specified herein.

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

Date Signed: June 30, 2010

Date Mailed: July 13, 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 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.

JGS/tg

cc:

