

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

IN THE MATTER OF THE CLAIM OF:

[REDACTED]

Reg. No.: 201011613
Issue No.: 2000
Case No.: [REDACTED]
Load No.: [REDACTED]
Hearing Date: June 28, 2010
Macomb County DHS (12)

ADMINISTRATIVE LAW JUDGE: Michael J. Bennane

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 June 28, 2010. The claimant appeared and testified. The claimant was represented by his Authorized Representative (AR), [REDACTED] of [REDACTED].

ISSUE

Did the Department properly open claimant's Medical Assistance (MA) and retroactive MA applications?

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 June 18, 2009, the claimant filed an application for MA and retroactive MA.
2. On September 21, 2009, the claimant filed a request for a hearing.

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).

RETRO MA APPLICATIONS MA Only

Retro MA coverage is available back to the first day of the third calendar month prior to:

The current application for FIP and MA applicants and persons applying to be added to the group.

The most recent application (**not** redetermination) for FIP and MA recipients.

For SSI, entitlement to SSI.

For department wards (BEM 117), the date DHS received the court order for a department ward.

For title IV-E and special needs adoption assistance recipients (BEM 117), entitlement to title IV-E or special needs adoption assistance. (BAM 115, p. 8).

The law provides that disposition may be made of a contested case by stipulation or agreed settlement. MCL 24. 278(2). In the instant case, the parties reached an accord. The department agreed to reregister the claimant's retroactive MA application of June 18, 2009.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law finds that the department and claimant have come to an agreement and **ORDERS** the department to reregister the claimant's retroactive MA application of June 18, 2009.



Michael J. Bennane
Administrative Law Judge
For Ismael Ahmed, Director
Department of Human Services

Date Signed: 07/13/2010

Date Mailed: 07/13/2010

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 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.

MJB/jlg

cc:

