

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: 2010-12725
Issue No: 2000
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
June 15, 2010
Calhoun 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 three-way telephone hearing was held on June 15, 2010 with claimant's representative--[REDACTED], the local office, and the Administrative Law Judge. Claimant did not appear. Claimant's representative did not know claimant's whereabouts.

ISSUE

Did the department and claimant's representative come to an agreed upon settlement at the evidentiary 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) On October 27, 2008, claimant's representative--[REDACTED] applied for MA on behalf of claimant.

- (2) On July 31, 2009, the DHS denied the application.
- (3) Claimant and [REDACTED] came to an agreed-up settlement at the evidentiary hearing.

The terms of the agreement 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 by stipulation or agreed-upon settlement. At the evidentiary hearing held on June 15, 2010, claimant and claimant's representative came to an agreed-upon settlement. The terms of this settlement are as follows:

The department stipulated that the denial was improper as the local office failed to notify claimant's representative-- [REDACTED]. The DHS agrees to register claimant's 10/27/08 MA application, including three months of retro back to July, 2008. The department shall process this application in accordance with its usual policy and procedure.

DECISION AND ORDER

The Administrative Law Judge, based upon the agreed upon settlement, Orders the agency 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 28, 2010

Date Mailed: June 29, 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:

