

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: 2010-15049

Issue No: 2009

Case No: [REDACTED]

Load No: [REDACTED]

Hearing Date:

February 24, 2010

Van Buren County DHS

ADMINISTRATIVE LAW JUDGE: Marlene B. Magyar

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, an in-person hearing was held on February 24, 2010. Claimant and her husband personally appeared. Additionally, claimant was assisted by [REDACTED]

ISSUE

Did the department and claimant's authorized representative fully resolve the disputed issue by binding settlement offer and agreement?

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 July 17, 2009, claimant's authorized representative [REDACTED] filed a disability-based MA/retro-MA application on her behalf with coverage requested back to April 2009.

(2) On November 14, 2009, the department notified claimant and her authorized representative in writing this application was denied; consequently, claimant's authorized representative filed a hearing request to dispute the denial.

(3) Claimant's in-person hearing was held on February 24, 2010.

(4) On the record at hearing, the department's witness provided written verification dated February 10, 2010, which establishes the department's Medical Review Team (MRT) determined claimant's disability began in October 2008 (Department Exhibit #1, pgs 1 and 2).

(5) MRT also recommended a medical review of claimant's condition be scheduled for December 2012 (Department Exhibit #1, pg 1).

(6) Based on this verification, the department's witness offered to settle claimant's July 17, 2009 MA/retro-MA application dispute by effectuating MA/retro-MA coverage to April 2009, as long as claimant meets all of the other financial and non-financial criteria necessary to qualify for those benefits.

(7) Claimant's authorized representative accepted the department's offer of settlement and stipulated on the record it would fully resolve their disputed issue in a manner consistent with that set forth on their Hearing Request filed December 7, 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).

The law, MCL 24.278(2); MSA 3.560(178)(2), provides that disposition may be made of a contested case proceeding by stipulation or agreed settlement on the record. Both parties agreed to the settlement terms set forth above.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides claimant's authorized representative and the department entered into a valid, binding settlement agreement on the record at hearing.

Accordingly, this case is returned to the local office for implementation of the settlement terms. **SO ORDERED.**

/s/ _____
Marlene B. Magyar
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: March 2, 2010

Date Mailed: March 3, 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.

2010-15049/mbm

MBM/db

cc:

