

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

IN THE MATTER OF:

[REDACTED]
Detroit, MI 48205

Reg. No: 201039302
Issue No: 2000
[REDACTED]
Hearing Date: October 26, 2010
Wayne County DHS

ADMINISTRATIVE LAW JUDGE: Janice 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 3-way telephone hearing was held on October 26, 2010. Claimant did not appear pursuant to instructions by her representative. Claimant was represented by [REDACTED] Lansing, Michigan.

ISSUE

Did the Department of Human Services (DHS) and claimant's representative come to an agreed upon settlement at 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 MA with the Michigan DHS.
- (2) On January 4, 2010, the department denied claimant.
- (3) On March 16, 2010, claimant filed a hearing request. Due to numerous dismissals in related issues, claimant's hearing request was reinstated.
- (4) On October 7, 2010, DHS issued a notice for a telephone hearing on October 26, 2010. At the evidentiary hearing on October 26, 2010, the department and claimant's representative came to an agreed upon settlement, the terms of which are set 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 allows for disposition to be made of a contested case hearing by stipulation or agreed upon settlement. At the evidentiary hearing held on October 26, 2010, claimant's representative and the department came to an agreed upon settlement.

The terms of the settlement are as follows;

Claimant was an approved Social Security Disability pursuant to an August 18, 2010 decision with an onset date of March 18, 2009. Claimant's representative request Medicaid for April, 2010. The department agreed to open MA on behalf of claimant for April, 2010 provided the non-financial eligibility criteria are met.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the department's and claimant's representative's agreement is hereby UPHELD.

Accordingly, the department is ORDERED to initiate the terms of the agreement as specified herein.

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

Date Signed: 11/09/2010

Date Mailed: 11/09/2010

