

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

IN THE MATTER OF:



Reg. No: 201044823

Issue No: 2006



September 15, 2010

Livingston 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, a telephone hearing was held on September 15, 2010. Claimant's authorized representative personally appeared and testified.

ISSUE

Did the department and claimant's authorized representative fully resolve the disputed issued 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 September 8, 2009, claimant's Durable Power of Attorney (DPOA) filed an MA application on claimant's behalf.
2. When the department denied that application, claimant's DPOA filed a hearing request.
3. Claimant's hearing was held on September 15, 2010.
4. At hearing, the department's witness stipulated to their previous failure to extend claimant's deadline for submission of certain necessary application processing verifications in accordance with policy.

5. The department's witness offered to settle this dispute on the record by reinstating claimant's September 8, 2009 MA application and processing it in accordance with the department's current verification policy.
6. Claimant's authorized representative accepted the department's offer of settlement and acknowledged that it would fully resolve the negative action taken in this case (MA application denial).

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 hearing 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: __ September 16, 2010

Date Mailed: __ September 17, 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.

MBM/db

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