

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

IN THE MATTER OF:

[REDACTED]

Reg. No: 201046330

Issue No: 2000

[REDACTED] [REDACTED]
Hearing Date:

September 23, 2010

Calhoun 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 23, 2010. Claimant did not appear; however, he was represented by [REDACTED]

ISSUE

Did the department and claimant's 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 December 29, 2009, claimant's representative filed an MA/retro-MA on claimant's behalf.
2. When that application was denied, claimant's representative filed a hearing request, held by conference telephone on September 23, 2010.
3. At hearing, the department's witness stipulated departmental error occurred in failing to extend the MA deadline for submission of requested verifications in accordance with the department's policy located in BAM Item 130, pg 5.

4. The department's witness offered to settle this dispute by correcting the error through reinstatement of the denied MA/retro-MA application and reprocessing it in compliance with the above-referenced extension rules.
5. Claimant's representative accepted this offer of settlement in full resolution of the disputed issue.

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. Both parties have 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 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 prompt 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 28, 2010

Date Mailed: September 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.

MBM/db

cc:

