

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.: 2010-47473  
Issue No.: 2000  
Case No.: [REDACTED]  
Load No.: [REDACTED]  
Hearing Date: October 28, 2010  
DHS County: Wayne (49)

**ADMINISTRATIVE LAW JUDGE: Jan Leventer**

**HEARING DECISION**

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37 and Claimant's request for a hearing via his Authorized Representative, [REDACTED]. After due notice, a telephone hearing was held on October 28, 2010. Claimant did not appear and, in his stead, [REDACTED], appeared and testified. [REDACTED], appeared and testified for the Department of Human Services (DHS).

**ISSUE**

Whether Claimant is eligible for Medical Assistance (MA or Medicaid) benefits?

**FINDINGS OF FACT**

The Administrative Law Judge, based on competent, material, and substantial evidence in the record and on the entire record as a whole, finds as fact:

1. On December 18, 2009, Claimant applied for MA benefits.
2. DHS failed to process Claimant's application for MA benefits.
3. DHS did not issue a denial of MA benefits in this case.
4. On May 27, 2010, Claimant filed a notice of hearing request with DHS.
5. At the hearing, DHS agreed to reopen and process Claimant's case retroactive to December 18, 2009, and, if appropriate, issue a denial dated as of the actual date it is executed.

6. As a result of this agreement, Claimant, through his Representative, indicated he no longer wished to proceed with the hearing.

### **CONCLUSIONS OF LAW**

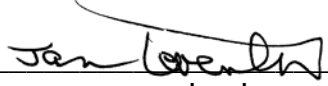
MA was established by Title XIX of the Social Security Act and is implemented by Title 42 of the Code of Federal Regulations. DHS administers the MA program pursuant to MCL 400.10, *et seq.*, and MCL 400.105. DHS policies are found in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Reference Tables Manual (RFT). These manuals are available online at [www.michigan.gov/dhs-manuals](http://www.michigan.gov/dhs-manuals).

Under BAM Item 600, clients have the right to contest any DHS decision affecting eligibility or benefit levels whenever they believe the decision is illegal. DHS provides an Administrative Hearing to review the decision and determine if it is appropriate. DHS policy includes procedures to meet the minimal requirements for a fair hearing. Efforts to clarify and resolve the client's concerns start when DHS receives a hearing request and continue through the day of the hearing.

In the present case, DHS has agreed to reopen and process Claimant's MA application of December 18, 2009, and DHS, if appropriate, will also issue a denial of benefits dated on the date it is actually executed by DHS. As a result of this agreement, Claimant's Representative indicated he no longer wished to proceed with the hearing. Since Claimant and DHS have come to an agreement, it is unnecessary for the Administrative Law Judge to make a decision regarding the facts and issues in this case.

### **DECISION AND ORDER**

The Administrative Law Judge, based on the above findings of fact and conclusions of law, finds that the DHS and Claimant have come to a settlement regarding Claimant's request for a hearing. Therefore, it is ORDERED that DHS shall reopen and process Claimant's MA application retroactive to December 18, 2009, in accordance with this settlement agreement.

  
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Jan Leventer  
Administrative Law Judge  
for Ismael Ahmed, Director  
Department of Human Services

Date Signed: November 1, 2010

2010-47473/JL

Date Mailed: November 1, 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 mailing 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.

JL/pf

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