

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. 201053444
Issue No. 2000
Case No. [REDACTED]
Load No. [REDACTED]
Hearing Date: December 9, 2010
Cass 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 the claimant's request for a hearing. After due notice, a telephone hearing was held on December 9, 2010. Claimant did not appear; however, she was represented by her court-appointed conservator,

[REDACTED]

[REDACTED]

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 a material fact:

1. On February 4, 2010, claimant's mother filed a long-term care Medicare (MA) application on claimant's behalf.
2. On April 30, 2010, the department denied that application.

3. In the interim, specifically, on February 10, 2010 (less than one week after application filing), the [REDACTED] appointed [REDACTED] to act as claimant's legal representative.
4. On June 4, 2010, claimant's duly-appointed representative filed a timely hearing request to protest the department's denial of claimant's long-term care MA/retro-MA application.
5. Claimant's hearing was held by conference telephone on December 9, 2010.
6. At hearing, the department's representative stipulated departmental error occurred in the procedural aspects of application processing.
7. The department's representative offered to settle this dispute by correcting the errors through reinstatement of the denied MA/retro-MA application and reprocessing in compliance with the applicable rules.
8. 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.

