

STATE OF MICHIGAN

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

IN THE MATTER OF:



Reg. No: 20111063  
Issue No: 2000  
Case No: [REDACTED]  
Hearing Date: February 24, 2011  
Ottawa County DHS

**ADMINISTRATIVE LAW JUDGE:** Janice G. 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 telephone hearing was held.

**ISSUE**

Did claimant and the department 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. On May 1, 2009, claimant husband and wife requested MA. A three month retro MA application was filed with the DHS. The department stipulated that an MA application was not taken but should have been per DHS policy and procedure.
2. The department failed to register the retro application.
3. Claimant husband was subsequently opened MA effective July 1, 2010. Claimant wife was subsequently opened effective December 1, 2009.
4. The time period at issue herein is a closed ended period from May 2009 until the opening of claimant's cases.

**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(2) allows for disposition to be made of a contested case hearing by stipulation or agreed upon settlement. At the evidentiary hearing held on February 24, 2011, claimant and the department's representative came to an agreed upon settlement. The terms of the settlement are as follows:

The parties stipulated that the time period at issue herein is for MA for claimant husband from 2/09 to 6/30/2010; for claimant wife 2/09 to 11/30/09. The only outstanding verification is a medical insurance stop date provided by claimant's employer on or about May, 2009. The department stipulated it will give claimant 10 days from the date of this Decision and Order to complete the verification. Following that, the department indicated all verifications are in possession of the DHS. The department has yet to review income eligibility as it relates to the probable MA deductible case. The department agreed to issue written notice to claimants indicating the outcome of the deductible. Claimant shall retain a right to a hearing for 90 days from the date of notice only on the calculation of the deductible.

### **DECISION AND ORDER**

The Administrative Law Judge, based upon the above findings of fact and conclusions of law upholds the agreement the parties reached and stipulated to at the administrative hearing.

Accordingly, the department's failure to act was incorrect. The undersigned Administrative Law Judge upholds the agreement the parties reached and stipulated to at the administrative hearing. The department is Ordered to initiate the terms of the agreement as set forth herein.

/s/

Janice G. Spodarek  
Administrative Law Judge  
for Maura D. Corrigan, Director  
Department of Human Services

Date Signed: March 2, 2011

Date Mailed: March 2, 2011

**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.

JGS/db

cc:

