# STATE OF MICHIGAN MICHIGAN ADMINISTRATIVE HEARING SYSTEM ADMINISTRATIVE HEARINGS FOR THE DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF:

Reg. No: Issue No: 201113141

2000

Hearing Date:

April 19, 2011

Midland 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 on April 19, 2011.

# <u>ISSUE</u>

Did the DHS and claimant come to an agreed upon settlement at the evidentiary 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. Claimant's MA case closed December 31, 2010 for failure to complete the redetermination process.
- 2. Claimant requested a hearing on December 27, 2010. The department failed to reinstate the action pending the outcome of the hearing.
- 3. Claimant and the department came to an agreed upon settlement at the evidentiary hearing.

#### 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 the disposition to be made of a contested case hearing by stipulation or agreed upon settlement. At the evidentiary hearing held on April 19, 2011, claimant and the department's representative came to an agreed upon settlement, the terms of the settlement are as follows:

Claimant and the department agreed that claimant will reapply as of the hearing date of April 19, 2011. The three retro months available for month in April will result in no loss of MA benefits from the December 31, 2010 date of closure.

# **DECISION AND ORDER**

The Administrative Law Judge, based upon the agreed upon settlement, Orders the agency to initiate the actions as set forth in the settlement as specified herein.

<u>/S/</u>\_\_\_\_

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

Date Signed:\_April 25, 2011

Date Mailed:\_April 25, 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.

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# JGS/db

CC:

