

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 201126598
Issue No.: 2000
Case No.: [REDACTED]
Hearing Date: August 24, 2011
Oakland County DHS (03)

ADMINISTRATIVE LAW JUDGE: Colleen M. Mamelka

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 from Detroit, Michigan on August 24, 2011. The Claimant appeared and testified. The Claimant was represented by [REDACTED]. [REDACTED] appeared on behalf of the Department of Human Services ("Department").

ISSUE

Whether the Department properly processed the Claimant's Medical Assistance application?

FINDINGS OF FACT

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

1. The Claimant submitted an application for medical assistance in November 2008 seeking retroactive benefits.
2. On January 10, 2011, a hearing was held resulting in a dismissal of the hearing request.
3. On July 28, 2011, a rehearing was ordered.
4. On August 24, 2011, a hearing was held resulting in an accord.

CONCLUSIONS OF LAW

The Medical Assistance program (“MA”) is established by the Title XIX of the Social Security Act and is implemented by Title 42 of the Code of Federal Regulations. The Department of Human Services, formerly known as the Family Independence Agency, administers the MA program pursuant to MCL 400. 10, *et seq.*, and MCL 400.105. Department policies are found in the Bridges Administrative Manual (“BAM”), the Bridges Eligibility Manual (“BEM”), and the Bridges Reference Tables (“RFT”).

The law provides that disposition may be made of a contested case by stipulation or agreed settlement. MCL 24. 278(2)

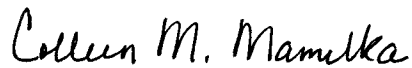
In this case, the Department agreed to re-register and process the Claimant’s November 2008 application to include any applicable retroactive months. All parties were amenable to this resolution. In light of the accord, there is no further issue that needs to be addressed.

DECISION AND ORDER

The Administrative Law Judge, based on the above findings of fact and conclusions of law the Department’s actions are not upheld.

Accordingly, it is ORDERED:

1. The Department’s action is not upheld.
2. The Department shall, as agreed, re-register and initiate processing of the November 2008 application in accordance with Department policy.
3. The Department shall notify the Claimant and her Authorized Hearing Representative of the determination in accordance with Department policy.
4. The Department shall supplement for lost benefits (if any) that the Claimant was entitled to receive with respect to the November 2008 application if otherwise eligible and qualified.



Colleen M. Mamelka
Administrative Law Judge
For Maura Corrigan, Director
Department of Human Services

Date Signed: August 25, 2011

Date Mailed: August 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.

CMM/cl

cc:

