

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

IN THE MATTER OF:

[REDACTED]

Reg. No: 201142956  
Issue No: 2000  
Case No: [REDACTED]  
Hearing Date: August 17, 2011  
Livingston 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 August 17, 2011.

**ISSUE**

Did the DHS and claimant 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. At all relevant times prior to the negative action herein, claimant was an MA recipient on a deductible.
2. On May 12, 2011, the DHS issued notice that claimant's MA case will close due to claimant's not submitting any new medical bills for three months.
3. On June 1, 2011, claimant's MA closed.
4. On June 2, 2011, claimant filed a timely hearing request.
5. At the evidentiary hearing, claimant and the department's representative came to an agreed upon settlement.
6. The department failed to give claimant a medical expense for her payment every month for her payment of the Medicare Part B [REDACTED] medical bill.

**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 pursuant to an agreed upon settlement. At the evidentiary hearing held in this matter on August 17, 2011, claimant and the department's representative came to an agreed upon settlement, the terms set forth as follows:

The department stipulates that claimant is eligible for a deductible Medicaid case. The department stipulates that claimant is entitled to have Medicare Part B payments which she makes totaling █████ per month to be an ongoing medical bill. The department agreed to reinstate claimant's MA deductible effective June 1, 2011 and continuing.

**DECISION AND ORDER**

The Administrative Law Judge, based upon the agreed upon settlement, ORDERS the department to take the actions as specified in the agreement as specified herein.

The department shall issue written notice to claimant. If claimant is in disagreement with the future actions of the department with regards to the agreement as set forth herein, claimant shall have a right to another administrative hearing for 90 days from the date of the new notice.

It is so ORDERED.

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

Date Signed: August 18, 2011

Date Mailed: August 18, 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:

