

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

IN THE MATTER OF:

[REDACTED]

Reg. No: 201143589  
Issue No: 2000  
Case No: [REDACTED]  
Hearing Date: September 14, 2011  
Kalamazoo 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 3-way telephone hearing was held on September 14, 2011. Claimant was represented by [REDACTED] Claimant did not appear.

**ISSUE**

Did claimant and the representative at the administrative hearing for the DHS come to an agreed upon settlement?

**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 September 3, 2010, [REDACTED] applied for MA with the Michigan DHS.
2. The DHS processed an MRT case and forwarded the case to MRT without any medical evidence.
3. On April 8, 2011, the DHS denied.
4. On July 5, 2011, [REDACTED] requested a hearing on the grounds that the department failed to process an MA-N-Caretaker Relative application.
5. On September 14, 2011, at the administrative hearing, the department stipulated that the department should have processed an MA-N-Caretaker Relative case.

**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. At the evidentiary hearing held on September 14, 2011, the claimant's representative came to an agreed upon settlement as set forth below:

The DHS stipulated that it failed to properly process claimant's September 3, 2010 MA application, including one month of retro under the MA-N-Caretaker Relative category per BEM Item 105, p 2. The department stipulates that it will reinstate the September 3, 2010 application and reprocess the case for MA-N-Caretaker Relative eligibility. If assets/income verification is needed, the DHS agrees to follow its normal policy and procedure. The department shall be issuing notice as to the disposition of the reprocessing of this case under the MA-N-Caretaker Relative category. Claimant shall retain a right to a hearing for 90 days from the date of the new notice.

**DECISION AND ORDER**

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

/S/

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

Date Signed: September 23, 2011

Date Mailed: September 27, 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:

