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

IN THE MATTER OF:

Reg. No: Issue No: 20117881

2021

Hearing Date: April 13, 2011

Delta 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 April 13, 2011. Claimant was represented appeared by conference phone collecting for a hospital.

ISSUE

Did the department and claimant's representative come to an agreed upon settlement at the administrative hearings?

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 August 22, 2008, claimant applied for MA disability with the Michigan DHS.
- 2. Claimant applied for three months of retro MA.
- 3. On June 16, 2010, the DHS approved claimant for the month of application and continuing but denied retro MA.
- 4. The parties stipulated at the administrative hearing that claimant was eligible for one month of retro MA—May 2008.

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 agree upon settlement. At the evidentiary hearing held on April 13, 2011, the parties agreed to the following:

The parties agreed that claimant has eligibility for the retro MA month of May 2008. The department agreed to place claimant on the system as having full MA coverage for May, 2008. There are no other issues.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the agreement between the department and L & S is hereby upheld. Therein the parties stipulate that claimant is eligible for May, 2008 retro MA.

Accordingly, the department is Ordered to initiate the agreement as set forth herein.

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

Date Signed: April 18, 2011

Date Mailed: April 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.

20117881/jgs

JGS/db

