

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

IN THE MATTER OF THE CLAIM OF:

[REDACTED]

Reg. No.: 201118828
Issue No.: 6000
Case No.: [REDACTED]
Load No.: [REDACTED]
Hearing Date: March 24, 2011
Macomb County DHS

ADMINISTRATIVE LAW JUDGE: Susan C. Burke

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 on March 24, 2011. The Claimant was present and testified. Claimant's authorized Representative, [REDACTED] was also present, as well as Claimant's day care provider, [REDACTED]. The Department of Human Services (Department) was represented by [REDACTED] FIM, and [REDACTED].

ISSUE

Was the Department correct in its decision to not make certain payments to Claimant's Child Day Care (CDC) provider?

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 was an ongoing recipient of CDC.
2. The Department did not make certain payments to Claimant's CDC provider, [REDACTED].
3. Claimant requested a hearing on November 30, 2010.

4. At the hearing, the Department agreed to authorize issuance of payments to CDC provider [REDACTED] effective June 7, 2009 and ongoing, with the exception of the period from June 20, 2010 through October 23, 2010, as long as eligibility exists and Claimant is in compliance with Department policy.
5. As a result of the agreement, Claimant indicated that she no longer wished to proceed with the 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 (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 Program Reference Manual (PRM), which includes Reference Tables (RFT).

Under Bridges Administrative Manual Item 600, clients have the right to contest any agency decision affecting eligibility or benefit levels whenever they believe the decision is illegal. The Department provides an Administrative Hearing to review the decision and determine if it is appropriate. Department policy includes procedures to meet the minimal requirements for a fair hearing. Efforts to clarify and resolve the client's concerns start when the Department receives a hearing request and continues through the day of the hearing.

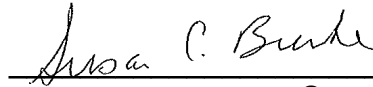
In the present case the Department has agreed to authorize issuance of payments to CDC provider [REDACTED] effective June 7, 2009 and ongoing, with the exception of the period from June 20, 2010 through October 23, 2010, as long as eligibility exists and Claimant is in compliance with Department policy. As a result of this agreement, Claimant indicated she no longer wished to proceed with the hearing. Since the Claimant and the Department have come to an agreement it is unnecessary for this Administrative Law Judge to make a decision regarding the facts and issues in this case.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the Department and Claimant have come to a settlement regarding Claimant's request for a hearing. Therefore, it is ORDERED that the Department authorize issuance of payments to CDC provider [REDACTED] effective June 7, 2009 and ongoing, with the exception of the period from June 20, 2010 through

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October 23, 2010, as long as eligibility exists and Claimant is in compliance with Department policy, in accordance with this settlement.



Susan C. Burke
Administrative Law Judge
For Maura Corrigan, Director
Department of Human Services

Date Signed: April 13, 2011

Date Mailed: April 13, 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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cc:

