

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

IN THE MATTER OF:

[REDACTED]

Reg. No: 201121625
Issue No: 2000
Hearing Date: May 31, 2011
Lapeer 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 May 31, 2011.

ISSUE

Did the department and claimant's representative 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. Claimant's representative— [REDACTED] [REDACTED] [REDACTED] represented claimant at the administrative hearing.
2. On March 18, 2010, L [REDACTED] filed a Medicaid application on behalf of claimant requesting retro to February, 2010.
3. Claimant was subsequently approved a deductible case.
4. Claimant's deductible is approximately [REDACTED].
5. The department denied applying the deductible to February, 2010 on the grounds that [REDACTED] failed to file Facility Admission Notice.
6. On February 24, 2011, DHS issued notice.
7. On February 15, 2011, [REDACTED] requested a hearing.

8. At the administrative hearing, the department stipulated that it did in fact receive the admissions notice and claimant is entitled to have the deductible applied to February, 2010.

CONCLUSIONS OF LAW

MCL 24.278(2) allows for disposition to be made of a contested case hearing. A stipulation or agreed upon settlement. At the evidentiary hearing held herein, the department and claimant's representative came to an agreed upon settlement. The terms of the settlement are as follows:

The department stipulated that it did in fact receive the Facility Admission on March 18, 2010 with the retro MA application. Claimant is eligible to have the ongoing deductible applied to February 2010. The department stipulated that apply the deductible to February, 2010 MA coverage.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, upholds the terms of the settlement as set forth herein. The department is ORDERED to initiate the terms of the settlement as agreed upon.

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

Date Signed: June 3, 2011

Date Mailed: June 3, 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.

201121625/jgs

JGS/db

cc:

