

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

IN THE MATTER OF:

[REDACTED]

Reg No. 20112446
Issue No. 2000
Case No. [REDACTED]
Load No. [REDACTED]
Hearing Date: January 20, 2011
Kalamazoo County DHS

ADMINISTRATIVE LAW JUDGE: Marlene B. Magyar

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, an in-person hearing was held on January 20, 2011. Claimant did not appear; however, she was represented by [REDACTED]

ISSUE

Did the department and claimant's authorized representative fully resolve the disputed issue by binding settlement offer and agreement?

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 June 10, 2010, claimant's authorized representative filed an MA/retro-MA application on her behalf.
2. On October 5, 2010, claimant's authorized representative filed a hearing request to dispute the department's processing of that application.
3. Claimant's hearing was held on January 20, 2011 in the [REDACTED] (DHS) office in Kalamazoo, Michigan.
4. At hearing, the department's witnesses stipulated to department error in processing claimant's disputed application.

5. The department's witnesses offered to settle this dispute on the record by reinstating/re-registering claimant's June 10, 2010 MA/retro-MA application and processing it to completion, including properly notifying claimant's authorized representative of the approval or denial of that application.
6. Claimant's authorized representative accepted the department's offer of settlement and stipulated that it would fully resolve the disputed issue in a manner consistent with that set forth on the hearing request filed October 5, 2010.

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).

The law, MCL 24.278(2); MSA 3.560(178)(2), provides that disposition may be made of a contested case hearing by stipulation or agreed settlement on the record. Both parties agreed to the settlement terms set forth above.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides claimant's authorized representative and the department entered into a valid, binding settlement on the record at hearing.

Accordingly, this case is returned to the local office for implementation of the settlement terms. **SO ORDERED.**

/s/ Marlene B. Magyar
Administrative Law Judge
for Maura D. Corrigan, Director
Department of Human Services

Date Signed: February 10, 2011

Date Mailed: February 10, 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 receipt 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.

MBM/db

cc:

