

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

IN THE MATTER OF:



Reg. No: 201144676
Issue No: 2000
Case No: [REDACTED]
Hearing Date: September 13, 2011
Schoolcraft 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 conference hearing was held on September 13, 2011. The department was represented by [REDACTED]. Claimant was represented by [REDACTED].

ISSUE

Did claimant's attorney and the department's Attorneys General 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. On August 30, 2010, claimant applied for MA.
2. On November 28, 2010, claimant passed away.
3. On April 4, 2011, DHS issued a 1605 Case Action. The department approved MA beginning October 1, 2010 with a divestment period of 1.1788.
4. The department miscalculated the patient pay amount.
5. On April 4, 2011, the department issued notice.
6. On June 29, 2011, claimant's attorney requested a hearing.

7. Based on claimant's first hearing request, Executive Director Zimmer issued a notice indicating that there was no jurisdiction.
8. On August 18, 2011, a corrected hearing request filed by claimant's spouse was filed.
9. The department and claimant's representative came to an agreed upon settlement at the administrative 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 (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 agreed upon settlement. At the evidentiary hearing held on September 13, 2011, the Attorneys General for the department and claimant's attorney came to an agreed upon settlement. The terms are as set forth below:

1. The department stipulated that claimant should be eligible for MA beginning August 1, 2010 with a divestment period resulting in eligibility to begin September 3, 2011. Claimant's benefits should have begun September 3, 2011.
2. The patient pay amount for September, October and November as agreed to by the parties is [REDACTED]

DECISION AND ORDER

The Administrative Law Judge, Orders the agency to carryout the actions as set forth in the settlement as specified herein.

/S/

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

Date Signed: September 28, 2011

Date Mailed: September 28, 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:

