

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 2011-45741
Issue No.: 2000
Case No.: [REDACTED]
Hearing Date: December 12, 2011
Oakland County DHS (02)

ADMINISTRATIVE LAW JUDGE: Colleen M. Mamelka

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 hearing was held in Detroit, Michigan on Monday, December 12, 2011. The Claimant did not appear; however, his Authorized Hearing Representative, [REDACTED] appeared on her behalf. [REDACTED] appeared on behalf of the Department of Human Services ("Department").

ISSUE

Whether the Department properly denied the Claimant's February 19, 2010 Medical Assistance ("MA") application seeking retroactive benefits for November 2009?

FINDINGS OF FACT

The Administrative Law Judge, based on the competent, material, and substantial evidence on the whole record, finds as material fact:

1. The Claimant did not participate in the hearing process.
2. The Claimant submitted an application for MA benefits retroactive for November 2009 on February 19, 2010.
3. As required, the Department sent verification checklists to the Claimant/Representative requesting various documents.
4. On October 26, 2010, the Department denied the MA application based on the failure to timely submit all requested verifications.
5. On January 20, 2011, the Department received the Claimant's timely written request for hearing.

6. During the hearing, the Department agreed to activate coverage for November 2009, only.

CONCLUSIONS OF LAW

The Medical Assistance program is established by the 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 Bridges Reference Tables ("RFT").

The law provides that disposition may be made of a contested case by stipulation or agreed settlement. MCL 24.278(2).


In the case presented, the Department agreed to activate coverage for November 2009. The Authorized Hearing Representative agreed to this resolution. In light of the accord, there is no issue that needs to be adjudicated.

DECISION AND ORDER

The Administrative Law Judge, based on the above findings of fact and conclusions of law finds the parties have reached an agreement.

Accordingly, it is ORDERED:

1. The Department shall, as agreed, initiate activation of MA coverage for November 2009 only based on the best available information.
2. The Department shall notify the Claimant/Representative of the Determination in accordance with Department policy.



Colleen M. Mamelka
Administrative Law Judge
For Maura Corrigan, Director
Department of Human Services

Date Signed: December 16, 2011

Date Mailed: December 16, 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.

Claimant may request a rehearing or reconsideration for the following reasons:

- A rehearing **MAY** be granted if there is newly discovered evidence that could affect the outcome of the original hearing decision.
- A reconsideration **MAY** be granted for any of the following reasons:
 - misapplication of manual policy or law in the hearing decision,
 - typographical errors, mathematical error, or other obvious errors in the hearing decision that effect the substantial rights of the claimant:
 - the failure of the ALJ to address other relevant issues in the hearing decision.

Request must be submitted through the local DHS office or directly to MAHS by mail at
Michigan Administrative hearings
Reconsideration/Rehearing Request
P. O. Box 30639
Lansing, Michigan 48909-07322

CMM/cl

cc:

