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

### IN THE MATTER OF:



 Reg. No.:
 201226850

 Issue No.:
 2000

 Case No.:
 May 10, 2012

 Hearing Date:
 May 10, 2012

 County:
 Wayne (18)

# ADMINISTRATIVE LAW JUDGE: Alice C. Elkin

## SETTLEMENT ORDER

This matter is before the undersigned Admini strative Law Judge pursuant to MCL 400.9 and MCL 400.37 following Claim ant's request for a hearing. After due notice, a telephone hearing was held on May 10, 2012, from Detroit, Mich igan. Participants on behalf of Claimant inc luded Claimant and the company of Claimant's representative payee and Authorized Hearing Representative (AHR). Pa Department of Human Servic es (Depar tment) included Payment Supervisor, and the company of the Assistance Payment Worker.

#### **ISSUE**

Whether the Depart ment pr operly provided Claimant wit h Medical Ass istance (MA) coverage with a \$687 deductible.

# FINDINGS OF FACT

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

- 1. On October 12, 2011, the De partment notified Claimant that she was eligible for MA coverage with a \$687 deductible, effective July 1, 2011.
- 2. On January 5, 2012, Claimant filed a r equest for hearing concerning the Department's action.

# CONCLUSIONS OF LAW

Department policies are found in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM), the Reference Tables Manual (RFT), and the State Emergency Relief Manual (ERM).

☐ The Family Independence Program (FIP) was established purs uant to the Personal Responsibility and W ork Opportunity Reconc iliation Act of 1996, Public Law 104-193, 42 USC 601, *et seq*. The Department (formerly k nown as the Family Independence Agency) administers FIP pursuant to MCL 400.10, *et seq*., and 1999 AC, Rule 400.3101 through Rule 400.3131. FIP replaced the Aid to Dependent Children (ADC) program effective October 1, 1996.

☐ The Food Assistanc e Program (FAP) [form erly known as the Food Stamp (FS) program] is establis hed by the Food St amp Act of 1977, as amend ed, and is implemented by the federal r egulations contained in Title 7 of the Code of Federal Regulations (CFR). The Department (formerly known as the Family Independenc e Agency) administers FAP pursuant to MCL 400.10, *et seq*., and 1999 AC, Rule 400.3001 through Rule 400.3015.

The Medical Ass istance (MA) program is es tablished by the Title XIX of the Soc ial 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 Independ ence Agency) administers the MA pr ogram pursuant to MCL 400.10, *et seq*., and MC L 400.105.

The Adult M	edical Program (A	MP) is	established by	/ 42 USC 1315, and is
administered by	the Department	pursuant to	MCL 400.10, <i>et</i>	seq.

The State Disability Assistance (SDA) program, which provides financial assistance for disabled persons, is established by 2004 PA 344. The D epartment of Human Services (formerly known as the Family Independence Agency) administers the SDA program pursuant to MCL 400.10, *et seq*., and 20 00 AACS, Rule 400.3151 through Rule 400.3180.

The Child Development and Care (CDC) program is establis hed by Titles IVA, IVE and XX of the Soc ial Security Act, the Ch ild Care and Developm ent Block Grant of 1990, and the Personal Responsibility and Work Opportunity Reconciliation Act of 1996. The program is implemented by Title 45 of the Code of Fede ral Regulations, Parts 98 and 99. The Depart ment provides servic es to adults and children pursuant to MCL 400.14(1) and 1999 AC, Rule 400.5001 through Rule 400.5015.

The State Emergency Relief (SER) program is establ ished by 2 004 PA 344. The SER program is administer ed pursuant to MCL 400.10, *et seq.*, and by 1999 AC, Rul e 400.7001 through Rule 400.7049. Department polic ies are found in the State Emergency Relief Manual (ERM).

The law pr ovides that disposition may be made of a contest ed case by s tipulation or agreed settlement. MCL 24.278(2).

In the present case, Claimant requested a hearing to dispute the Department's action. Soon after commencement of the hearing, the parties testif ied that they had reached a settlement concerning the disputed action. Consequently, the Department agreed to do the following: (i) begin reprocessing Claim ant's July 21, 2011, MA applic ation t o determine her eligibility for 503 Individual MA coverage as of July 1, 2011, ongoing, i n accordance with Department policy, in par ticular BEM 155 and any policy provisions referenced therein; (ii) provide Claimant with 503 Indi vidual MA coverage she wa s eligible and qualified to receive but did not from July 1, 2011, ongoin g; and (iii) notify Claimant in writing of its decision in accordance with Department policy.

As a result of this settlement, Claimant no longer wish es to proceed with the hearing. As such, it is unnec essary for this Admini strative Law Judge to render a decis ion regarding the facts and issues in this case.

#### **DECISION AND ORDER**

The Administrative Law Judge concludes that the Department and Claimant have come to a settlement regarding Claimant's request for a hearing.

THE DEPARTMENT IS ORDERED TO DO THE FOLLOWING:

- 1. Begin reprocessing Claimant's July 21, 2011, MA a pplication to determine her eligibility for 503 Individual MA coverage as of July 1, 2011, ongoing, in accordance with Department policy, in particular BEM 155 and any policy provisions referenced therein;
- 2. Provide Claimant with any 503 Individual MA coverage she was eligible and qualified to receive but did not from July 1, 2011, ongoing; and
- 3. Notify Claimant in writing of its decision in accordance with Department policy.

1CQ

Alice C. Elkin Administrative Law Judge for Maura Corrigan, Director Department of Human Services

Date Signed: May 17, 2012

Date Mailed: May 17, 2012

**NOTICE**: Michigan Administrative Hearing System (MAHS) 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 Dec ision and Order. MAHS will not order a rehearing or reconsideration on the Department's mo tion where the final decis ion cannot be implemented within 90 days of the filing of the original request. (60 days for FAP cases)

ACE/cl

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 ti mely request for rehearing was made, within 30 days of the receipt date of the rehearing decision.

cc: