

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 201248279
Issue No.: 2000
Case No.: [REDACTED]
Hearing Date: July 16, 2012
County: Monroe DHS

ADMINISTRATIVE LAW JUDGE: Christian Gardocki

SETTLEMENT ORDER

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37 following Claimant's request for a hearing. After due notice, an in-person hearing was held on July 16, 2012 from Monroe, Michigan. Participants included [REDACTED]; the above named claimant did not appear. Participants on behalf of Department of Human Services (DHS) included [REDACTED], Specialist.

ISSUE

The issue is whether DHS properly determined Claimant's eligibility for Food Assistance Program (FAP) and Medical Assistance (MA) benefits.

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 was an ongoing FAP and MA benefit recipient.
2. Claimant gave birth to a child in 7/2012.
3. On 4/12/12, DHS mailed Claimant a Notice of Case Action informing Claimant of a termination of MA benefits due to an alleged failure to submit redetermination documents.
4. Subsequent to 4/12/12, DHS received and processed Claimant's redetermination documents.
5. On an unspecified date, DHS determined Claimant's MA benefit eligibility beginning 5/2012 as Medicaid subject to an unspecified deductible amount.

6. The MA benefit decision from an unspecified date failed to factor Claimant's pregnancy.
7. On 4/20/12, Claimant requested a hearing to dispute the correctness of the MA benefit decision and to dispute a Food Assistance Program (FAP) benefit reduction.
8. Claimant no longer disputes the FAP benefit reduction.
9. DHS conceded that Claimant's MA benefit decision should have factored Claimant's pregnancy.

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). DHS 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 Reference Tables Manual (RFT).

The law provides that disposition may be made of a contested case by stipulation or agreed settlement. MCL 24.278(2). In the present case, Claimant requested a hearing to dispute a FAP and MA benefit determination. Claimant's AHR stated that there was a current dispute concerning MA benefit eligibility effective 5/2012. Claimant's AHR objected that Claimant was only eligible for Medicaid subject to a monthly deductible. It was not disputed that the MA determination failed to factor Claimant's status as a pregnant woman. Soon after commencement of the hearing, the parties testified that they had reached a settlement concerning the disputed action. Consequently, DHS agreed to re-evaluate Claimant's eligibility for MA benefits effective 5/2012 based on Claimant's status as a pregnant woman. Claimant's AHR accepted the DHS proposal. As the agreement appears to comply with DHS regulations, the settlement among the parties shall be accepted.

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:

1. process Claimant's eligibility for MA benefits effective 5/2012 subject to the finding that Claimant was pregnant; and
2. supplement Claimant for any benefits not received as a result of the DHS failure to

originally factor Claimant's status as a pregnant woman.



Christian Gardocki
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: July 19, 2012

Date Mailed: July 19, 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 Decision and Order. MAHS 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. (60 days for FAP cases).

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.

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 to:

Michigan Administrative Hearings
Reconsideration/Rehearing Request
P. O. Box 30639
Lansing, Michigan 48909-07322

CG / hw

cc:

