

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 2012-54089
Issue No.: 2000
Case No.: [REDACTED]
Hearing Date: July 9, 2012
County: Macomb (20)

ADMINISTRATIVE LAW JUDGE:

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, a hearing was held in Warren, Michigan on Monday, July 9, 2012. The Claimant did not appear; however, his Authorized Hearing Representative ("AHR") [REDACTED] appeared and testified. Participating on behalf of the Department of Human Services ("Department") by telephone from the Oakland County DHS office (03) was [REDACTED].

ISSUE

Whether the Department properly processed the Claimant's June 18, 2009 Medical Assistance ("MA-P") application retroactive to March 2009?

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 18, 2009, the Claimant submitted an application for public assistance seeking MA-P benefits retroactive to March 2009.
2. The Verification Checklist was not sent to the AHR.
3. On June 4, 2010, the Department denied the application based on the failure to submit the requested verifications.
4. The denial was not sent to the AHR.

5. On April 30, 2012, the Department received a written request for hearing based on the June 18, 2009 MA-P application.

CONCLUSIONS OF LAW

As a preliminary matter, the issue regarding the timeliness of the AHR's hearing request was noted. During the hearing, the Department acknowledged that it received the June 18, 2009 application but that no documentation (verification checklists, denial notice, etc) was sent to the AHR. As a result, medical records necessary to determine disability eligibility were never reviewed by the Medical Review Team. Based on the foregoing, and in light of the parties' settlement, the hearing request is found to be timely.

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

The Family Independence Program ("FIP") was established pursuant to the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, Public Law 104-193, 42 USC 601, *et seq.* The Department, formerly known 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 program effective October 1, 1996.

The Food Assistance Program ("FAP"), formerly known as the Food Stamp program, is established by the Food Stamp Act of 1977, as amended, and is implemented by the federal regulations contained in Title 7 of the Code of Federal Regulations. The Department, formerly known as the Family Independence Agency, administers FAP pursuant to MCL 400.10, *et seq.*, and Michigan Code, Rules 400.3001 through Rule 400.3015.

The Medical Assistance ("MA") 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.

The Adult Medical Program ("AMP") is established by 42 USC 1315, and is administered by the Department pursuant to MCL 400.10, *et seq.*

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

The Child Development and Care (“CDC”) program is established by Titles IVA, IVE and XX of the Social Security Act, the Child Care and Development 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 Federal Regulations, Parts 98 and 99. The Department provides services to adults and children pursuant to MCL 400.14(1) and Mich Admin Code, Rules 400.5001 through Rule 400.5015.

The State Emergency Relief (“SER”) program is established by 2004 PA 344. The SER program is administered pursuant to MCL 400.10, *et seq.*, and by the Mich Admin Code, Rules 400.7001 through Rule 400.7049. Department policies are found in the State Emergency Relief Manual (“ERM”).

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, the Department agreed to re-register and process the Claimant’s June 18, 2009 MA-P application with retroactive benefits to March 2009. The AHR agreed to recreate the application and submit it to the Oakland County (03) office. In light of the accord, there was no issue that needed to be adjudicated.

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. As agreed, register and initiate processing of the June 18, 2009 MA-P application retroactive to March 2009 in accordance with department policy.
2. The Department shall notify the Claimant and the AHR of the determination in accordance with department policy.
3. The Department shall supplement for lost benefits (if any) that the Claimant was entitled to receive if otherwise eligible and qualified in accordance with department policy.


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

Date Signed: July 11, 2012

Date Mailed: July 11, 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.

CMM/cl

cc:

