

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 2012-59152
Issue No.: 2000
Case No.: [REDACTED]
Hearing Date: September 27, 2012
County: Wayne (17)

ADMINISTRATIVE LAW JUDGE: Colleen M. Mamelka

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 telephone hearing was conducted from Detroit, Michigan on Thursday, September 27, 2012. The Claimant appeared and testified. Participating on behalf of the Department of Human Services ("Department") was [REDACTED].

ISSUE

Whether the Department properly:

- denied Claimant's application for benefits
- closed Claimant's case for benefits
- reduced Claimant's benefits

for:

- Family Independence Program ("FIP")?
- Food Assistance Program ("FAP")?
- Medical Assistance ("MA")?
- Adult Medical Assistance ("AMP")?
- State Disability Assistance ("SDA")?
- Child Development and Care ("CDC")?
- State Emergency Services ("SER")?

FINDINGS OF FACT

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

1. The Claimant submitted an application for public assistance seeking MA benefits, based on disability, on May 7, 2012.

2. On June 11, 2012, the Medical Review Team (“MRT”) found the Claimant not disabled.
3. The MRT determination was based in part, on medical records of another individual.
4. The Department notified the Claimant of the MRT determination.
5. On May 24, 2012, the Department received the Claimant’s timely written request for hearing.
6. On September 25, 2012, the Department re-sent the Claimant’s medical records to the MRT for a proper determination based on the Claimant’s evidence.

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 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. 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 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 mistakenly mixed another individual’s medical records with the Claimant’s and forwarded them to the MRT for a determination. The Department discovered the error and has re-sent the correct records to the MRT for a disability determination. The Department will notify the Claimant of the decision in accordance with policy. The parties were in agreement and there was no other issue to be addressed.

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. Timely notify the Claimant of the MRT determination in accordance with Department policy.

Colleen M. Mamelka

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

Date Signed: October 18, 2012

Date Mailed: October 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.

CMM/tm

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