

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

**IN THE MATTER OF:**

[REDACTED]

Reg. No.: 2012-59682  
Issue No.: 2000  
Case No.: [REDACTED]  
Hearing Date: October 18, 2012  
County: Macomb (20)

**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 held on Thursday, August 30, 2012, from Detroit, Michigan. The Claimant appeared and testified. The Claimant was represented by [REDACTED] of Medicaid Assistance Service. 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")?       State Disability Assistance ("SDA")?  
 Food Assistance Program ("FAP")?       Child Development and Care ("CDC")?  
 Medical Assistance ("MA")?       State Emergency Services ("SER")?  
 Adult Medical Assistance ("AMP")?

**FINDINGS OF FACT**

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

1. In July 2011, the Claimant submitted an application for public assistance seeking MA benefits.

2. At the time of application, the Claimant's minor children resided in the home. (Exhibit 3)
3. In November 2011, the Department received a letter from the Claimant's spouse stating that their divorce was almost final and indicated that the children no longer resided with the Claimant. (Exhibit 1)
4. On November 15, 2011, the Department denied the MA application.
5. On June 7, 2012, the Department received the Claimant's written request for hearing, protesting the denial of MA benefits.

### **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, in July 2011, the Claimant submitted an application for MA benefits based on having minor children in the home. In November 2011, the Department denied the application after receipt of a letter from the Claimant's spouse stating that she and the minor children no longer resided in the home with the Claimant. Based on the letter, the Department denied the application.

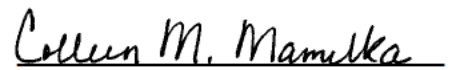
During the hearing, the Department agreed to determine MA eligibility for the month of July 2011 only, based on having minor children in the home at that time. All parties were amendable to this resolution. In light of the foregoing, there was no further issue to be addressed.

### **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. Register and initiate processing of the July 2011 MA application based on having minor children in the home, in accordance with Department policy for the month of July 2011 only.
2. The Department shall notify the Claimant and his Authorized Hearing Representative 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: October 23, 2012

Date Mailed: October 24, 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/tmm

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