

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

IN THE MATTER OF:

Reg.

No: 2012-32632

Issue No: 2012

Case No:

Hearing Date: February 5, 2013

Genesee County DHS #2

ADMINISTRATIVE LAW JUDGE: Carmen G. Fahie

HEARING DECISION

This matter is before the undersigned Administrative Law Judge by authority of MCL 400.9 and MCL 400.37; upon claimant's request for a hearing filed on January 17, 2012. After due notice, a hearing was held Tuesday, February 5, 2013. The law, MCL 24.278(2) provides that a disposition may be made of a contested case hearing by stipulation or agreed settlement. In this case, the department has agreed to settle since there was a hearing summary written previously that seemed to imply that the claimant was living with his girlfriend and children during the contested time period, which resulted in a hearing not being scheduled, but coverage was never put on for the contested time period. However, the claimant was active AMP, not MA, which makes it questionable that he was living with his children and girlfriend during the contested time period.

Under Bridges Administrative Manual Item 600, clients have the right to contest any agency decision affecting eligibility or benefit levels whenever they believe the decision is incorrect. The department provides an Administrative Hearing to review the decision and determine if it is appropriate. Agency policy includes procedures to meet the minimal requirements for a fair hearing. Efforts to clarify and resolve the client's concerns must start when the hearing request is received and continue through the day of the hearing.

Prior to the closure of the hearing record, the department agreed to redetermine the claimant's eligibility for MA benefits since the department needs to determine if the claimant was living with his girlfriend and their children during September 2007. The department will check with Secretary of State (SOS) and the Office of Child Support (OCS) to determine where the claimant was living during the contested time period with assistance of L & S Associates. If the claimant was not living with his girlfriend and children during the contested time period, a currently dated denial notice will be issued by the department. As a result of this agreement, claimant indicated she/he no longer wished to proceed with the hearing. Since the claimant and the department have come to an agreement it is unnecessary for this Administrative Law Judge to make a decision regarding the facts and issues in this case.

Claimant retains a right to request a hearing on the above determination within 90 days from the date of the department's written notice, pursuant to BAM Item 600.

Therefore, it is not necessary for the Administrative Law Judge to decide the matter that was in dispute. Pursuant to MAC R 400.906 and 400.903, claimant's hearing request is **HEREBY DISMISSED**, because claimant is no longer aggrieved by a department action.

DECISION AND ORDER

The Administrative Law Judge based on the agreed upon settlement ORDERS that Claimant's hearing request is **DISMISSED**; and the department shall:

1. Initiate a redetermination of the Claimant's eligibility for MA by determining where the claimant lived in September 2007 with the assistance of L&S, SOS, and OCS.
2. Provide the Claimant and his authorized representative with written notification of the Department's revised eligibility determination.
3. Issue the Claimant any retroactive benefits she/he may be eligible to receive, if any.

/s/ _____

Carmen G. Fahie
Administrative Law Judge
for Maura D. Corrigan, Director
Department of Human Services

Date Signed: February 7, 2013

Date Mailed: February 7, 2013

NOTICE: Administrative Hearings 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. Administrative Hearings 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.

The Claimant may appeal the Decision and Order to Circuit Court within 30 days of the mailing 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.

CGF/hj

cc:

