

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

[REDACTED]

[REDACTED]

Reg. No.: 201234498
Issue No.: 2000, 5000
Case No.: [REDACTED]
Hearing Date: June 27, 2012
County: Wayne DHS (19)

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, a telephone hearing was held on June 27, 2012, from Detroit, Michigan. Participants included the above named claimant. [REDACTED] and [REDACTED] also appeared on behalf of Claimant Participants on behalf of the Department of Human Services (Department) included [REDACTED], Specialist, and [REDACTED], Manager.

ISSUE

The issue is whether DHS properly denied Claimant's application for 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. On 2/6/12, Claimant applied for MA benefits.
2. Claimant's application alleged that Claimant was disabled.
3. On 2/8/12, DHS denied Claimant's application for MA benefits without considering Claimant's potential MA eligibility based on disability.
4. On 2/17/12, Claimant requested a hearing to dispute the denial of the MA benefit application and an issue concerning State Emergency Relief (SER) assistance with an energy bill.

5. Claimant no longer has a dispute concerning SER.

CONCLUSIONS OF LAW

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 1999 AC, Rule 400.7001 through Rule 400.7049. Department policies are found in the State Emergency Relief Manual (ERM).

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 two issues, one concerning SER eligibility, one concerning MA benefit eligibility.

Claimant agreed that she has no current dispute concerning SER assistance with energy. Accordingly, Claimant's hearing request concerning SER can be dismissed because there is no current dispute concerning eligibility.

Claimant's hearing request also concerned a denial of MA benefits stemming from an application dated 2/6/12. DHS agreed that the denial was improper because DHS failed to consider Claimant's potential eligibility for MA benefits based on disability. DHS proposed to reinstate Claimant's application and to evaluate the application for MA benefits based on a yet to be evaluated claim of disability. Claimant agreed to 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, based upon the above findings of fact and conclusions of law, finds that Claimant has no dispute concerning SER. Claimant's hearing request is PARTIALLY DISMISSED.

The Administrative Law Judge, based upon the above findings of fact, conclusions of law and by agreement of the parties, finds that DHS improperly denied Claimant's application for MA benefits. It is ordered that DHS:

- (1) reinstate Claimant's application for MA benefits dated 2/6/12;
- (2) process Claimant's application subject to the finding that DHS failed to evaluate the application for potential MA benefit eligibility based on disability.

The actions taken by DHS are PARTIALLY REVERSED.



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

Date Signed: July 3, 2012

Date Mailed: July 3, 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.

CG / hw

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