

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 2012-48408
Issue No.: 2000
Case No.: [REDACTED]
Hearing Date: August 30, 2012
County: Wayne (19)

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 did not appear; however, her Authorized Hearing Representative ("AHR"), [REDACTED] appeared and testified. Participating on behalf of the Department of Human Services ("Department") was [REDACTED]. [REDACTED]. Appearing on behalf of the Office of Child Support ("OCS") 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 did not participate in the hearing process.
2. On January 14, 2011, the OCS determined that the Claimant was not cooperating with the OCS.
3. On March 2, 2012, the Department received the Claimant's application for public assistance seeking MA benefits, retroactive to February 2012.
4. On March 14, 2012, the Department sent a Notice of Case Action to the Claimant informing her that her request for MA benefits was denied.
5. On March 14, 2012, the Claimant contacted the OCS regarding the non-cooperation.
6. On April 13, 2012, the Department received the Claimant's timely written request for hearing.
7. On April 18, 2012, the OCS found the Claimant in cooperation with the OCS effective March 14, 2012.

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 Bridges Reference Tables ("RFT").

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 OCS acknowledged that the Claimant was in compliance effective March 2012. As such, the Department agreed to re-register and process the March 2, 2012 application, effective March 1, 2012. The parties agreed that due to the fact that the Claimant had not cooperated with the OCS, she was not eligible for benefits in February 2012. All parties were in agreement.

As a result of this settlement, Claimant/AHR no longer wishes to proceed with the hearing. As such, it is unnecessary for this Administrative Law Judge to render a decision regarding the facts and issues in this case.

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 March 2012 MA application, effective March 1, 2012, in accordance with Department policy.
2. The Department shall notify the Claimant and her 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.
4. The Claimant was not eligible for MA benefits for February 2012 due to the non-cooperation with the OCS.

Colleen M. Mamelka

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

Date Signed: September 19, 2012

Date Mailed: September 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/cl

cc:

