

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 2012-62866
Issue No.: 2000
Case No.: [REDACTED]
Hearing Date: October 3, 2012
County: Wayne (18)

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 Wednesday, October 3, 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 benefits under the Medicare Saving Program ("MSP").

2. On June 14, 2012, the Department approved the Claimant for MSP benefits, effective June 1, 2012.
3. On June 25, 2012, the Department received the Claimant's written request for hearing protesting the denial of benefits for April and May 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 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. Medicaid coverage includes Medicare cost-sharing benefits, meaning it will pay for Medicare Part B premiums or Part A and B premiums, coinsurances, and deductibles for certain Medicaid recipients. BEM 810 (2010), p. 1. Medicaid Savings Programs ("MSP") are SSI-related MA categories. BEM 165 (2010), p. 1.

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 initially denied MSP coverage for the months of April and May 2012 because at the time, the SOLQ did not reflect that the Claimant was receiving Medicare Part A; however, subsequently the SOLQ showed coverage. In light of the foregoing, the Department agreed to activate MSP coverage for the months of April and May 2012. The Claimant agreed with this resolution. As a result of this settlement, there is no other issue that needs to be resolved.

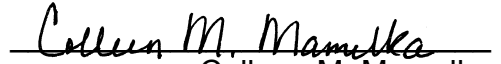
DECISION AND ORDER

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. Activate MSP coverage for the months of April and May 2012, in accordance with Department policy.

2. The Department shall supplement for lost benefits 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 12, 2012

Date Mailed: October 12, 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/ctl

cc: 
Wayne County DHS (18)/1843

C. 
Mamelka