

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 201278344
Issue No.: 2000
Case No.: [REDACTED]
Hearing Date: January 15, 2013
County: Wayne DHS (15)

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 January 15, 2012, from Detroit, Michigan. Participants included [REDACTED] as Claimant's authorized hearing representative. Participants on behalf of the Department of Human Services (DHS) included [REDACTED], [REDACTED], Manager, and [REDACTED], Specialist.

ISSUE

The issue is whether DHS failed to process Claimant's eligibility for Medical Assistance (MA) benefits for 2/2010.

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 an unspecified date, Claimant applied for MA benefits for 2/2010.
2. On an unspecified date, DHS approved Claimant for MA benefits for 2/2010.
3. As of the date of the administrative hearing, DHS has not allowed billing for Claimant's 2/2010 MA benefit eligibility.
4. On 9/13/12, Claimant requested a hearing to dispute the failure by DHS to process Claimant's MA benefit eligibility for 2/2010.

CONCLUSIONS OF LAW

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 a failure by DHS to fully process Claimant's MA benefit eligibility for 2/2010. DHS approved Claimant's 2/2010 MA benefit eligibility but has not allowed Claimant's medical providers to bill for 2/2010. During the administrative hearing, the parties testified that a settlement was reached settlement concerning the disputed action. Consequently, the Department proposed to process Claimant's eligibility and to complete the MSA-1038 to allow for Medicaid billing for the benefit month of 2/2010. Claimant's representative accepted the 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 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. process Claimant's MA benefit eligibility for 2/2010; and
2. complete and process the MSA-1038 to allow billing for the benefit month of 2/2010.

The actions taken by DHS are REVERSED.



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

Date Signed: January 18, 2013

Date Mailed: January 18, 2013

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

cc:

