

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 201312813
Issue No.: 2000
Case No.: [REDACTED]
Hearing Date: April 25, 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 April 25, 2013, from Detroit, Michigan. Participants included [REDACTED] appeared as Claimant's authorized representative (AHR). Participants on behalf of the Department of Human Services (DHS) included [REDACTED], Specialist.

ISSUE

The issue is whether DHS failed to process medical expenses concerning Claimant's Medical Assistance (MA) eligibility.

FINDINGS OF FACT

The Administrative Law Judge, based upon the competent, material, and substantial evidence on the whole record, finds as material fact:

1. Claimant was an ongoing MA benefit recipient.
2. On an unspecified date, DHS determined that Claimant was eligible for Medicaid subject to a \$324 deductible for the months of 3/2011 and 9/2011,
3. On 11/8/11, DHS received unspecified medical expenses from Claimant for 3/2011 and 9/2011.
4. DHS failed to apply the submitted medical expenses towards Claimant's deductible.

5. On 11/9/12, Claimant requested a hearing to dispute the failure by DHS to process Claimant's medical expenses from 3/2011 and 9/2011.
6. DHS conceded that Claimant's medical expenses should have been processed.

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 apply unspecified medical expenses towards Claimant's \$324/month deductible for the months of 3/2011 and 9/2011. DHS conceded the failure and their fault. During the hearing, the parties testified that they reached a settlement concerning Claimant's dispute. Consequently, DHS proposed to process Claimant's medical expenses for the months of 3/2011 and 9/2011. Claimant's AHR 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. DHS is ordered to:

1. process previously received medical expenses for Claimant from the months of 3/2011 and 9/2011 towards the previously determined \$324 deductible; and
2. expedite the processing of the medical expenses as Claimant has waited approximately 18 months for DHS to process the expenses.

The actions taken by DHS are REVERSED.



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

Date Signed: 5/2/2013

Date Mailed: 5/2/2013

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:

