

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 2013-14980
Issue No.: 2000
Case No.: 1 [REDACTED]
Hearing Date: April 29, 2013
County: Wayne (49)

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 Monday, April 29, 2013, from Detroit, Michigan. Claimant did not appear; however, his Authorized Hearing Representative ("AHR"), [REDACTED] of L & S Associates, Inc., appeared and testified. Participating on behalf of the Department of Human Services ("DHS" or "Department") was [REDACTED] and [REDACTED].

ISSUE

Whether the Department properly processed Claimant's August 30, 2012 Medical Assistance application, retroactive to May 2012.

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 July 18, 2012, Claimant submitted an application for Medical Assistance ("MA-P") and State Disability Assistance ("SDA") at the Wayne 49 local DHS office.
2. On August 30, 2012, Claimant's AHR submitted a second MA-P application seeking retroactive benefits to May 2012 at the Wayne 55 local DHS office.
3. On this same date, August 30th, the application was denied.

4. In November 2012, the Medical Review Team (“MRT”) found Claimant disabled based on the July 18th application.
5. On November 7, 2012, the Department received the AHR’s timely written request for hearing.

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 (“CFR”). 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 State Disability Assistance (“SDA”) program, which provides financial assistance for disabled persons, is established by 2004 PA 344. The Department of Human Services, formerly known as the Family Independence Agency, administers the SDA program pursuant to MCL 400.10, *et seq.*, and Mich Admin Code, Rules 400.3151 through R 400.3180.

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, based on the favorable MRT determination which included the month of May 2012, the Department agreed to re-register and initiate processing of the August 30, 2012 MA-P application retroactive to May 2012. The AHR was amenable to this resolution. As such, there was no further issue to address.

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 SHALL INITIATE WITHIN 10 DAYS OF THE DATE OF MAILING OF THIS DECISION AND ORDER, THE FOLLOWING:

1. Re-register and initiate processing of the August 30, 2012 MA-P application, retroactive to May 2012, in accordance with Department policy.
2. The Department shall notify Claimant/AHR in writing of the determination in accordance with Department policy.

3. The Department shall supplement for lost benefits (if any) that Claimant was entitled to receive if otherwise eligible and qualified in accordance with Department policy.

Colleen M. Mamelka

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

Date Signed: April 30, 2013

Date Mailed: April 30, 2013

NOTICE: 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/tm

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