

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 201323234
Issue No.: 2000
Case No.: [REDACTED]
Hearing Date: May 29, 2013
County: Wayne DHS (35)

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, an in-person hearing was held on May 29, 2013, from Detroit, Michigan. Mike Bowman of Advomas testified and appeared as Claimant's authorized hearing representative. Participants on behalf of the Department of Human Services (DHS) included [REDACTED] Specialist. [REDACTED], Specialist, appeared by telephone on behalf of DHS.

ISSUE

The issue is whether DHS properly failed to issue Medicaid to Claimant for the benefit month of 8/2011.

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 Medical Assistance benefits including retroactive benefits from 8/2011.
2. On 12/7/11, DHS denied Claimant's MA benefit application on the basis that Claimant was not a disabled individual.
3. On an unspecified subsequent date, Claimant was approved for Supplemental Security Income (SSI) benefits.

4. On an unspecified subsequent date, DHS determined that Claimant was eligible for Medicaid for 8/2011.
5. DHS failed to process Claimant's Medicaid eligibility for 8/2011.
6. On 12/21/12, Claimant's AHR requested a hearing to dispute the failure by DHS to process Medicaid for Claimant from 8/2011.

CONCLUSIONS OF LAW

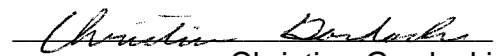
The Medical Assistance (MA) program is established by Title XIX of the Social Security Act and is implemented by Title 42 of the Code of Federal Regulations (CFR). DHS administers the MA program pursuant to MCL 400.10, et seq., and MCL 400.105. Department policies are found in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Reference Tables Manual (RFT).

Prior to a substantive analysis of Claimant's hearing request, it should be noted that Claimant's AHR requested that an in-person hearing be held. Claimant's AHR's request was granted.

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's AHR requested a hearing to dispute a failure by DHS to issue Medicaid for Claimant for the month of 8/2011. DHS conceded that Claimant was Medicaid eligible for 8/2011 and that only technical difficulties prevented the processing of Medicaid for 8/2011. DHS proposed to continue processing Claimant's Medicaid for 8/2011. 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, based upon the above findings of fact, conclusions of law and by agreement of the parties, finds that DHS failed to issue Medicaid to Claimant for 8/2011. It is ordered that DHS process Medicaid for Claimant for the benefit month of 8/2011. The actions taken by DHS are REVERSED.


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

Date Signed: 6/20/2013

Date Mailed: 6/20/2013

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:

