

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

**IN THE MATTER OF:**



Reg. No.: 201325078  
Issue No.: 2000  
Case No.: [REDACTED]  
Hearing Date: May 15, 2013  
County: Wayne (19)

**ADMINISTRATIVE LAW JUDGE:** Alice C. Elkin

**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 May 15, 2013, from Detroit, Michigan. Participants on behalf of Claimant included [REDACTED] hearing representative with [REDACTED] [REDACTED], Claimant's authorized representative and authorized hearing representative (AHR). Participants on behalf of the Department of Human Services (Department) included [REDACTED], Eligibility Specialist.

**ISSUE**

Whether the Department properly processed Claimant's Medical Assistance (MA) coverage for April 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 April 29, 2010, Claimant's AHR filed an MA application for Claimant.
2. On April 25, 2011, the Department sent Claimant a Notice of Case Action approving Claimant's MA application for January 1, 2010 through March 31, 2010 and for July 1, 2010, ongoing.
3. On January 14, 2013, Claimant's AHR filed a request for hearing disputing the Department's failure to process Claimant's application for April 2010 and provide MA coverage for April 2010.

### **CONCLUSIONS OF LAW**

Department policies are found in the Department of Human Services Bridges Administrative Manual (BAM), the Department of Human Services Bridges Eligibility Manual (BEM), the Department of Human Services Reference Tables Manual (RFT), and the Department of Human Services 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.

As a preliminary matter, the issue of whether Claimant's AHR had timely requested a hearing was addressed. The evidence showed that the Department issued a Notice of Case Action to Claimant on April 25, 2011, notifying him that he was approved for MA coverage for January 1, 2010 through March 31, 2010 and for July 2010 ongoing. The Department was unable to establish whether it had sent Claimant's AHR a Notice of Case Action. Because the Department failed to establish that Claimant's AHR received a copy of the Notice of Case Action, Claimant's hearing request is deemed timely filed. (See BAM 600 (February 2013), p 4).

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 offered to settle the matter, and both parties agreed to settlement terms concerning the disputed action. Consequently, the Department agreed to do the following: (1) begin activating Claimant's MA coverage for April 2010, including filing a Help Desk ticket for assistance, as necessary; and (2) begin making payment to Claimant's providers for MA benefits Claimant is eligible to receive for April 2010.

As a result of this settlement, Claimant and his AHR no longer wish to proceed with the hearing. As such, it is unnecessary for this Administrative Law Judge to render a decision regarding the facts and issues in this case.

### **DECISION AND ORDER**

The Administrative Law Judge concludes that the Department, Claimant, and Claimant's AHR have come to a settlement regarding Claimant's AHR's request for a hearing.

THE DEPARTMENT IS ORDERED TO DO THE FOLLOWING:

1. Begin activating Claimant's MA coverage for April 2010, including filing a Help Desk ticket for assistance, as necessary; and

2. Begin making payment to Claimant's providers for MA benefits Claimant is eligible to receive for April 2010.



Alice C. Elkin  
Administrative Law Judge  
for Maura Corrigan, Director  
Department of Human Services

Date Signed: 5/23/2013

Date Mailed: 5/23/2013

**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.

ACE/hw

cc:

