

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 201328653
Issue No.: 2000
Case No.: [REDACTED]
Hearing Date: May 20, 2013
County: Wayne DHS (19)

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 20, 2013, from Inkster, Michigan. [REDACTED] testified and appeared as Claimant's authorized hearing representative. Participants on behalf of the Department of Human Services (DHS) included [REDACTED], Specialist.

ISSUE

The issue is whether DHS properly did not issue retroactive Medical Assistance (MA) benefits to Claimant.

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 5/17/12, Claimant applied for MA benefits, including retroactive MA benefits back to 2/2012.
2. Claimant's only basis for MA benefits was for being a disabled individual.
3. On an unspecified date, Claimant was deemed eligible for Supplemental Security Income (SSI) benefits from 4/2012.
4. On an unspecified date, DHS approved Claimant for MA benefits from 4/2012.

5. On 11/15/12, Claimant's AHR requested a hearing to dispute the failure by DHS to process retroactive MA benefits (i.e. benefits for 2/2012 and 3/2012).

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 the request noted that Claimant's AHR required special arrangements to participate in the administrative hearing. Specifically, an in-person hearing was requested. 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 process MA benefit eligibility for Claimant for the benefit months of 2/2012 and 3/2012. During the hearing, the parties testified that they reached a settlement concerning the disputed action. Consequently, DHS proposed to determine Claimant's eligibility for 2/2012 and 3/2012, subject to the agreement that Claimant was disabled for those benefit months. 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 MA benefits to Claimant for 2/2012 and 3/2012. It is ordered that DHS:

- (1) determine Claimant's eligibility for 2/2012 and 3/2012 subject to the agreement that Claimant was a disabled individual for those benefit months; and
- (2) initiate supplement of any MA benefits owed to Claimant.

The actions taken by DHS are REVERSED.



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

Date Signed: 5/29/2013

Date Mailed: 5/29/2013

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.

MH/hw

cc:

