

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

**IN THE MATTER OF:**

████████████████████  
████████████████████  
████████████████████

Reg. No.: 2013-28876  
Issue No.: 2000  
Case No.: ██████████  
Hearing Date: June 5, 2013  
County: Wayne (35)

**ADMINISTRATIVE LAW JUDGE:** Jan Leventer

**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 June 5, 2013, from Detroit, Michigan. Participants on behalf of Claimant included ██████████, Claimant's Personal Representative. Participants on behalf of the Department of Human Services (Department) included ██████████ and ██████████, Assistance Payments Workers.

**ISSUE**

Whether the Department properly:

- denied Claimant's application for benefits
- closed Claimant's case for benefits
- reduced Claimant's benefits

for:

- |  |   |
|--|---|
| <input type="checkbox"/> Family Independence Program (FIP)?  | <input type="checkbox"/> State Disability Assistance (SDA)? |
| <input type="checkbox"/> Food Assistance Program (FAP)?      | <input type="checkbox"/> Child Development and Care (CDC)?  |
| <input checked="" type="checkbox"/> Medical Assistance (MA)? | <input type="checkbox"/> State Emergency Services (SER)?    |
| <input type="checkbox"/> Adult Medical Assistance (AMP)?     |   |

**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 September 23, 2012, the Claimant passed away.

2. On September 25, 2012, L&S Assoc., Claimant's former Authorized Representative, filed an MA and MA-retro application on Claimant's behalf. Letters of Authority were subsequently filed with the Department naming L&S Assoc. as Claimant's Personal Representative.
3. On October 31, 2012, the Department:  
 denied Claimant's application for benefits  
 closed Claimant's case for benefits  
 reduced Claimant's benefits  
  
under the following program(s):  
 FIP    FAP    MA    AMP    SDA    CDC    SER.
4. On October 31, 2012, the Department sent notice to Claimant (or Claimant's Authorized Hearing Representative) of the:  
 denial  
 closure  
 reduction.
5. On January 31, 2013, Claimant's Personal Representative filed a request for hearing concerning the Department's action.

### **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 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 the Department's action. Soon after commencement of the hearing, the parties testified that they had reached a settlement concerning the disputed action. Consequently, the Department agreed to do the following: reinstate Claimant's application and determine eligibility using Claimant's September, 2012, income information as per Bridges Eligibility Manual (BEM) 260 (2012).


As a result of this settlement, Claimant no longer wishes 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 and Claimant have come to a settlement regarding Claimant's request for a hearing.

THE DEPARTMENT SHALL INITIATE THE FOLLOWING STEPS WITHIN TEN DAYS OF THE MAILING OF THIS ORDER:

1. Reinstate Claimant's MA and MA-retroactive application.
2. Determine Claimant's eligibility, taking into consideration Claimant's September, 2012 income, as required by Bridges Eligibility Manual (BEM) 260 (2012).
3. Provide appropriate MA benefits to Claimant's estate via the Personal Representative in accordance with Michigan law.
4. All steps shall be taken in accordance with Department policy and procedure.

  
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**Jan Leventer**  
Administrative Law Judge  
for Maura Corrigan, Director  
Department of Human Services

Date Signed: June 11, 2013  
Date Mailed: June 12, 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.

JL/tm

cc: [REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]