

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

**IN THE MATTER OF:**

[REDACTED]

Reg. No.: 201335406  
Issue No.: 2000  
Case No.: [REDACTED]  
Hearing Date: June 20, 2013  
County: Wayne DHS (17)

**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, a telephone hearing was held on June 20, 2013, from Detroit, Michigan. Participants included [REDACTED] as Claimant's authorized hearing representative. Participants on behalf of the Department of Human Services (DHS) included [REDACTED] ssein, Specialist.

**ISSUE**

The issue is whether DHS properly determined Claimant's Medical Assistance (MA) benefit eligibility for the month of Claimant's death.

**FINDINGS OF FACT**

The Administrative Law Judge, based upon the competent, material, and substantial evidence on the whole record, finds as material fact:

1. In 1/2012, Claimant died.
2. On 4/5/12, DHS received an MA benefit application on behalf of Claimant requesting retroactive MA benefits from 1/2012.
3. On 1/14/13, Claimant requested a hearing to dispute the failure by DHS to process MA benefit eligibility for Claimant for the benefit month of 1/2012.
4. DHS conceded that Claimant is entitled to an MA benefit determination for 1/2012.

### **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).

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 a failure by DHS to process MA benefit eligibility for Claimant for the month of his death, 1/2012. DHS conceded that Claimant was entitled to a benefit determination. Thus, there was agreement between Claimant's AHR and DHS concerning this issue.

DHS presented testimony that Claimant was issued MA benefit eligibility for 1/2012. In support of their contention, DHS presented a MMIS Pre-Conversion Details Screen (Exhibit 1) and Notice of Case Action (Exhibit 2), both of which tended to show that MA eligibility was approved for Claimant for 1/2012. Claimant's AHR responded that billing for Claimant's medical expenses from 1/2012 was attempted but rejected; thereby implying that DHS failed to properly process Claimant's eligibility.

Post-hearing correspondence from Claimant's AHR suggested that DHS may have processed MA eligibility for a person with Claimant's name, but a different date of birth. It should be noted that Claimant's AHR's correspondence was also sent to DHS. This is a rational explanation for DHS contending that Claimant's MA benefits were processed but Claimant's AHR was unable to verify the eligibility. Based on the presented evidence, Claimant's 1/2012 MA eligibility issue is deemed to be best resolved by a Settlement Order to insure that Claimant's eligibility is properly processed. As the agreement appears to comply with DHS regulations, the settlement among the parties shall be accepted.

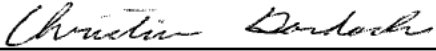
### **DECISION AND ORDER**

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

THE DEPARTMENT IS ORDERED TO DO THE FOLLOWING:

1. process Claimant's MA benefit eligibility for 1/2012 insuring that Claimant's proper gender, date of birth and social security number are used; and
2. supplement Claimant for any benefits improperly not issued.

The actions taken by DHS are REVERSED.

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

Date Signed: 6/28/2013

Date Mailed: 6/28/2013

**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

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