

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 20138043
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. Participants included the above-named claimant. [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 failed to process Claimant's Medical Assistance (MA) eligibility for 5/2012 and 6/2012.

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 3/8/12, Claimant applied for MA benefits, including retroactive MA benefits from 12/2011.
2. Claimant's only basis for MA benefits was having a disability.
3. On an unspecified date, DHS determined Claimant to be a disabled individual.
4. On an unspecified date, DHS processed Claimant's eligibility from 12/2011 for all requested months other than 5/2012 and 6/2012.

5. On 10/12/12, Claimant requested a hearing to dispute the failure by DHS to process Claimant's MA benefit eligibility for 5/2012 and 6/2012.
6. DHS conceded that Claimant is owed MA benefits for 5/2012 and 6/2012.

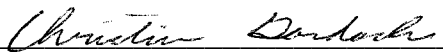
CONCLUSIONS OF LAW

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 benefit months of 5/2012 and 6/2012. During the hearing, the parties testified that they reached a settlement concerning the disputed action. Consequently, DHS proposed to process an MSA-1038 for Claimant's benefit months of 5/2012 and 6/2012, so that Claimant's medical expense billers can receive payment for expenses. Claimant's AHR accepted the DHS 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 5/2012 and 6/2012. It is ordered that DHS process an MSA-1038 for Claimant for the months of 5/2012 and 6/2012. The actions taken by DHS are REVERSED.


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

Date Signed: 5/28/2013

Date Mailed: 5/28/2013

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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