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

IN THE MATTER OF:



Reg. No.: 2013-59695

Issue No.: 2000

Case No.:
Hearing Date: May 21, 2013

County: Wayne-35 County DHS

ADMINISTRATIVE LAW JUDGE: Corey A. Arendt

SETTLEMENT ORDER

This matter is before the undersigned Admini strative Law Judge pursuant to MCL 400.9 and MCL 400.37 following Claim ant's request for a hearing. After due notice, a telephone hearing was held on Ma y 21, 2013, from Lansing, Mi chigan. Participants on behalf of Claimant included so behalf of the Department of Human Services (Department) included

<u>ISSUE</u>

Whether the Department properly complied ed with a September 25, 2012 hearing decision?

FINDINGS OF FACT

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

- On September 25, 2012, a hearing was held regarding the Claimant's receipt of MA benefits.
- On September 25, 2012, a hearing dec ision and order was iss ued ordering the Department to initiate a processing and determination regarding the Claimant's eligibility for MA benefits for the months of Januar y 2011 and November 2011 based upon the bills that were submitted and iss ue retroactive benefits if otherwise eligible and qualified.
- 3. On March 13, 2013, requested a hearing to have the Department comply with the September 25, 2012 order.

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).

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The MA program is established by the Titl e 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 pr ovides that disposition may be made of a contest ed case by s tipulation 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: comply with the September 25, 2012 order and initiate a processing and determination regarding the Claim ant's eligibility for MA benefits for the months of January 2011 and November 2011 bas ed upon the bills that we re submitted and issue retroactive benefits if otherwise eligible and qualified a ccompanied by a corresponding notice that is currently dated.

As a result of this settlement, Claimant no longer wish es 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 IS ORDERED TO DO THE FOLLOWING:

 Initiate a processing and deter mination regarding the Claimant's eligibility for MA benefits for the months of January 2011 and November 2011 based upon the bills that were submitted and issue retroactive benefits if otherwise eligible and qualified accompanied by a corresponding notice that is currently dated.

Corey A. Arendt

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

Date Signed: May 22, 2013

Date Mailed: May 22, 2013

NOTICE: Michigan Administrative Hearing System (MAHS) may order a rehearing or reconsideration on either its own motion or at the request of a par ty within 30 days of the mailing date of this Dec ision and Order. MAHS will not order a rehearing or reconsideration on the Department's mo tion where the final decis ion 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 ti mely request for rehearing was made, within 30 days of the receipt date of the rehearing decision.

Claimant may request a rehearing or reconsideration for the following reasons:

- A rehearing <u>MAY</u> be granted if there is newly discovered evidence that could affect the outcome of the original hearing decision.
- A reconsideration **MAY** be granted for any of the following reasons:
 - misapplication of manual policy or law in the hearing decision,
 - typographical errors, mathematical error, or other obvious errors in the hearing decision that effect the substantial rights of the claimant:
 - the failure of the ALJ to address other relevant issues in the hearing decision.

Request must be submitted through the local DHS office or directly to MAHS by mail at Michigan Administrative Hearings
Reconsideration/Rehearing Request
P. O. Box 30639
Lansing, Michigan 48909-07322

CAA/las

