

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

IN THE MATTER OF:

DENNIS HARVATH
3618 W JOLLY RD
LANSING MI 48911

Reg. No: 20138654
Issue No: 2000
Case No: 112750799
Hearing Date: March 20, 2013
Ingham County DHS

ADMINISTRATIVE LAW JUDGE: Suzanne D. Sonneborn

SETTLEMENT ORDER

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37 upon Claimant's request for a hearing received by the Department of Human Services (department) on October 18, 2012. After due notice, a telephone hearing was held on March 20, 2013. Claimant appeared and provided testimony and was represented by his authorized representative, Hassan Abraham of L & S Associates. The department was represented by Bryan Fairbairn, an assistance payments supervisor, and Joy Chandler, an assistance payments worker, both with the department's Ingham County office.

The regulations regarding the hearing and appeal process for applicants and recipients of public assistance in Michigan are found in the Michigan Administrative Code (MAC) R 400.901 -.951. Any hearing request which protests a denial, reduction or termination of benefits must be filed within 90 days of the mailing of the negative action notice. MAC R 400.902; MAC R 400.903; MAC R 400.904. The law, MCL 24.278(2), provides that a disposition may be made of a contested case hearing by stipulation or agreed settlement.

On July 24, 2012, the department mailed Claimant and Claimant's authorized representative an Application Eligibility Notice (DHS-1150) advising Claimant that his December 28, 2009 application for Medicaid and Retroactive Medicaid (MA) had been denied for failure to provide required verifications. During the March 20, 2013 hearing, the department representative acknowledged that it was department error for the department to have denied Claimant's MA application without having sought verification that his three listed vehicles were used for business purposes, as had been indicated by Claimant's authorized representative in a letter to the department dated January 27, 2013. The department representative therefore agreed to reinstate and reprocess Claimant's December 28, 2009 MA application, which reprocessing shall include but not be limited to the department's verification that Claimant's listed vehicles are used for business purposes.

DECISION AND ORDER

The Administrative Law Judge, based on the aforementioned agreed upon settlement, **ORDERS** that the department shall immediately reinstate and reprocess Claimant's December 28, 2009 MA application, which reprocessing shall include but not be limited to the department's verification that Claimant's listed vehicles are used for business purposes.

/s/

Suzanne D. Sonneborn
Administrative Law Judge
for Maura D. Corrigan, Director
Department of Human Services

Date Signed: March 21, 2013

Date Mailed: March 22, 2013

NOTICE: The 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 Settlement 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.

Claimant may appeal this Settlement Order to Circuit Court within 30 days of the receipt of the Order of Dismissal or, if a timely request for rehearing was made, within 30 days of the receipt date of the rehearing decision.

SDS/cr

cc: DENNIS HARVATH
L & S Associates
Ingham County DHS
M. Best
EQADHShearings
S. D. Sonneborn
MAHS