

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

IN THE MATTER OF:



Reg. No.: 201327455
Issue No.: 2000
Case No.: [REDACTED]
Hearing Date: July 10, 2013
County: Macomb County (#20)

ADMINISTRATIVE LAW JUDGE: MICHELLE HOWIE

SETTLEMENT ORDER

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37 following Claimant's January 25, 2013 request for a hearing. After due notice, a telephone hearing was conducted on Wednesday, July 10, 2013, from Detroit, Michigan. The Claimant appeared and testified. Participant on behalf of the Department of Human Services (Department) was [REDACTED] (Eligibility Specialist).

ISSUE

Whether the Department properly determined the Claimant's child would have a deductible for Medical Assistance (MA) benefits?

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 September 2012, the Department processed the Claimant's MA redetermination and determined her child would have a MA deductible due to excess income for the Other Healthy Kid program (OHK):
2. On September 25, 2012, the Department sent notice to Claimant of MA deductible.
3. On January 25, 2013, Claimant filed a request for hearing concerning the Department's action.

4. At hearing the parties reached a settlement agreement.

CONCLUSIONS OF LAW

The Department of Human Services (DHS) 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 reached a settlement concerning the disputed action. Consequently, the Department agreed to do the following: Re-determine Claimant's MA eligibility for September 2012 based on calculations for fluctuating income rather than stable income.

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 IS ORDERED TO DO THE FOLLOWING WITHIN 10 DAYS:

1. The Department shall initiate determining Claimant's eligibility for MA coverage for September 2012 based on calculations for fluctuating income, in accordance with policy.
2. The Department shall request income verification from Claimant for the 60-90 days prior to the determination month (September 2012).

3. The Department shall notify Claimant in writing of the MA eligibility determination for September 2012.

M. Howie

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

Date Signed: 7/24/2013

Date Mailed: 7/24/2013

NOTICE: 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.

MH/hw

cc:

