

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

IN THE MATTER OF:

████████████████████
████████████████████
████████████████████

Reg. No.: 2013-38009
Issue No.: 2000
Case No.: ██████████
Hearing Date: July 11, 2013
County: Wayne (15)

ADMINISTRATIVE LAW JUDGE: Colleen M. Mamelka

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 conducted from Detroit, Michigan on Thursday, July 11, 2013. Claimant is deceased; however, the Personal Representative authorized ██████████ ██████████ act on his behalf with respect to securing Medical Assistance benefits. As such, ██████████ appeared and testified. Participating on behalf of the Department of Human Services ("Department") was ██████████ r.

ISSUE

Whether the Department properly processed Claimant's application 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. An application for MA benefits was submitted on behalf of Claimant in October 2012.
2. Prior to this date, an early application was submitted which ultimately led to an Administrative Law Judge's finding that Claimant was disabled as of February 2012 through her date of death.
3. The Department was taking action to activate MA coverage for the period from February 2012 through January 2013.

4. On March 25, 2013, the Department received the AHR written request for hearing.

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”).

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, the Department received a written request for hearing protesting the processing of an October 2012 MA application. Soon after commencement of the hearing, the parties testified that they had reached a settlement concerning the disputed action, in light of the earlier Hearing Decision. Consequently, the Department agreed to activate MA coverage provided all the non-medical criteria are met for the period from February 2012 through January 2013, in accordance with Department policy.

As a result of this settlement, the AHR no longer wished 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:

1. Initiate activating MA coverage for the period from February 2012 through January 2013 provided all non-medical criteria are met and in accordance with Department policy.
2. Notify the AHR of the determination in accordance with Department policy.

3. Supplement for lost benefits that Claimant was entitled to receive if otherwise eligible and qualified and in accordance with Department policy.

Colleen M. Mamelka

Colleen M. Mamelka
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: July 15, 2013

Date Mailed: July 15, 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.

CMM/tm

cc: [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
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