

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

IN THE MATTER OF:



Reg. No.: 2013-49232/
2013-49192
Issue No.: REHD/RECON
Case No.: [REDACTED]
Hearing Date: June 25, 2013
County: Ingham

ADMINISTRATIVE LAW JUDGE: Vicki L. Armstrong

**DECISION AND ORDER ON REMAND
FROM KENT COUNTY CIRCUIT COURT**

This case is before an Administrative Law Judge of the Michigan Administrative Hearing System pursuant to an Order Remanding Matter For Agency Determination to Administrative Law Judge dated April 16, 2013, from the Honorable Rosemary E. Aquilina, Circuit Court Judge, Ingham County Circuit Court and pursuant to the provisions of MCL 400.9, MCL 400.37, MCL 400.43(a), MAC R 400.941 and MCL 24.201, *et seq.*

PROCEDURAL HISTORY

1. On January 16, 2013, a hearing was conducted by Administrative Law Judge Janice Spodarek.
2. On February 7, 2013, a Hearing Decision was generated and mailed in this case that reversed the determination of Claimant's ineligibility for Medicaid program benefits (MA) previously made by Respondent, Department of Human Services, and ordered Respondent to make a determination of eligibility based on nonmedical criteria, that a MA case would be opened by Respondent granting MA program benefits to Claimant from the date of application, including any retro months if eligible, and supplemental benefits.
3. On February 15, 2013, the Michigan Administrative Hearing System (MAHS) received Claimant's Motion for Reconsideration for Obvious Error Including Failure to Determine SDA and Retro MA-P, filed by Claimant's counsel of record.
4. Pending the processing of Claimant's Motion for Reconsideration for Obvious Error Including Failure to Determine SDA and Retro MA-P referenced above, Claimant's attorney filed Claim of Appeal with the 30th Judicial Circuit Court for the County of Ingham on March 6, 2013.

5. On March 15, 2013, MAHS issued an Order Granting Request for Rehearing and Vacating Hearing Decision and Order. This Order vacated the decision mailed on February 7, 2013, from the hearing conducted on January 16, 2013.
6. On April 16, 2013 the Hon. Rosemary E. Aquilina, Circuit Court Judge for Ingham County, entered a Stipulated Order to Remand (Amended). Further, the Circuit Court did not retain jurisdiction of the matter, but dismissed the petition for review.
7. On June 3, 2013, MAHS issued an Administrative Order After Remand, ordering Claimant's Motion for Reconsideration for Obvious Error Including Failure to Determine SDA and Retro-MA-P to be held in abeyance until the Department of Human Services determines whether Claimant meets the non-medical criteria for the Medicaid program. Further, MAHS would be scheduling a hearing for the limited purpose of reconsidering the issues raised in the Petition for Review once MAHS received the said determination from the Department of Human Services.
8. On June 5, 2013, MAHS mailed the Notice of Hearing to Claimant notifying her of the scheduled Rehearing on June 25, 2013.

DECISION AFTER REHEARING

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9, MCL 400.37, and Mich Admin Code Rule 400.909 upon an Order Granting Rehearing and Order Vacating a Hearing Decision generated by the assigned Administrative Law Judge (ALJ) at the conclusion of a hearing conducted on January 16, 2013, and mailed on February 7, 2013, in the above-captioned matter. The date for a new hearing having been assigned and due notice having been provided, a telephone hearing was conducted from Lansing, Michigan, on June 25, 2013. Participants on behalf of Claimant included Attorney Sarah Bouck and Interpreter Marta Herrera-Zamora. Participants on behalf of the Department of Human Services (Department) included Lead Worker Sally Wilson.

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 State Disability Assistance (SDA) program, which provides financial assistance for disabled persons, is established by 2004 PA 344. The Department of Human Services (formerly known as the Family Independence Agency) administers the SDA program pursuant to MCL 400.10, *et seq.*, and 2000 AACRS, Rule 400.3151 through Rule 400.3180.

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 correct the previous Decision dated February 7, 2013, of the January 16, 2013, which failed to address the issue of SDA. Soon after commencement of the hearing, the parties testified that they had reached a settlement concerning the disputed action. Consequently, the Department agreed to grant Claimant's application for MA and SDA beginning March, 2012.

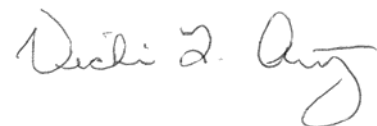
As a result, although this case was remanded from the Circuit Court, the parties have reached a resolution and Claimant no longer wishes to proceed with the hearing. As such a full hearing is no longer necessary.

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. Grant Claimant's applications for MA dated 3/8/12 and SDA dated 8/13/12, and find Claimant eligible for MA and SDA effective March, 2012.



Vicki L. Armstrong
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: July 17, 2013

Date Mailed: July 17, 2013

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cc:



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