

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

IN THE MATTER OF:

██████████
██████████
██████████

Reg. No.: 2013-44803
Issue Nos.: 2000
Case No.: ██████████
Hearing Date: July 8, 2013
County: Wayne (31)

ADMINISTRATIVE LAW JUDGE: Zainab Baydoun

HEARING DECISION

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 three way telephone hearing was held on July 8, 2013 from Detroit, Michigan. Claimant is deceased. Claimant's ██████████ ██████████ ██████████, and ██████████ ██████████ Hearing Representative from ██████████ appeared and testified. Participating on behalf of the Department of Human Services (Department) was ██████████ Family Independence Manager.

ISSUE

Did the Department act in accordance with Department policy when it denied Claimant's application for Medical Assistance (MA)?

FINDINGS OF FACT

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

1. On November 8, 2012, Claimant submitted an application for MA, retroactive to August 2012.
2. The Department did not process this application in accordance with Department policy.
3. On April 25, 2013, Claimant's representative filed a request for hearing disputing the Department's actions.

CONCLUSIONS OF LAW

Department policies are found in the Department of Human Services Bridges Administrative Manual (BAM), Bridges Eligibility Manual (BEM), Reference Tables Manual (RFT), and 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 denial and incorrect processing of an MA application that was submitted on November 8, 2012, retroactive to August 2012. Soon after commencement of the hearing, the parties testified that they had reached a settlement concerning the disputed action. The Department acknowledged that there were errors in the processing of Claimant's MA application and consequently, the Department agreed to do the following: (i) reregister the November 8, 2012 application for MA, retroactive to August 2012; (ii) begin reprocessing the application in accordance with Department policy; (iii) resubmit the appropriate medical documentation to the Medical Review Team to make a disability determination; (iv) begin issuing supplements to Claimant for any MA coverage that she was entitled to receive but did not from August 2012 ongoing in accordance with Department policy; and (v) notify Claimant of its decision in writing in accordance with Department policy.

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.

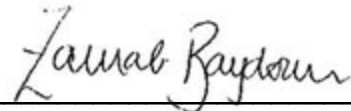
DECISION AND ORDER

The Administrative Law Judge, based upon the above Findings of Fact and Conclusions of Law, and for the reasons stated on the record, finds that the Department and Claimant have come to a settlement regarding Claimant's request for a hearing with regards to MA.

THE DEPARTMENT IS ORDERED TO DO THE FOLLOWING:

1. Reregister the November 8, 2012 application for MA, retroactive to August 2012;

2. Begin reprocessing the application in accordance with Department policy;
3. Resubmit the appropriate medical documentation to the Medical Review Team to make a disability determination;
4. Begin issuing supplements to Claimant for any MA coverage that she was entitled to receive but did not from August 2012 ongoing in accordance with Department policy; and
5. Notify Claimant of its decision in writing in accordance with Department policy.



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

Date Signed: July 30, 2013

Date Mailed: July 30, 2013

NOTICE: 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 Decision and 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. (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 timely request for rehearing was made, within 30 days of the receipt date of the rehearing decision.

ZB/cl

cc: [REDACTED]
[REDACTED]
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