

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

IN THE MATTER OF:

[REDACTED]

Reg. No: 201339871
Issue No: 2000
Case No: [REDACTED]
Hearing Date: August 1, 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 April 5, 2013. After due notice, a telephone hearing was held on August 1, 2013. Claimant appeared and provided testimony. The department was represented by [REDACTED] an eligibility specialist 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 January 7, 2013, the department mailed Claimant a Notice of Case Action (DHS-1605), informing Claimant that, effective February 1, 2013, her Medicaid Low Income Family benefits would be closed and that she was not approved for Medicaid Group 2 Caretaker Relative benefits because she failed to provide the department with verification of her legal guardianship of her partner's three children, all of whom resided with her.

During the August 1, 2013 hearing, the department's representative acknowledged that the department improperly determined that Claimant was not eligible for MA Group 2 Caretaker Relative benefits as the department had on file sufficient verification from Claimant as required by BEM 135 to approve Claimant's eligibility for MA Group 2 Caretaker Relative benefits for the benefit period effective February 1, 2013. The department's representative therefore agreed to reinstate Claimant's MA Group 2 Caretaker Relative benefits for the benefit period effective February 1, 2013. Claimant indicated that she understood and agreed with the department's proposed settlement.

DECISION AND ORDER

The Administrative Law Judge, based on the aforementioned agreed upon settlement, **ORDERS** that the department shall immediately reinstate Claimant's MA Group 2 Caretaker Relative benefits for the benefit period effective February 1, 2013 and issue Claimant any supplemental MA benefits to which she may otherwise be entitled.

IT IS SO ORDERED.

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

Date Signed: August 1, 2013

Date Mailed: August 2, 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 Settlement Order or, if a timely request for rehearing was made, within 30 days of the receipt date of the rehearing decision.

SDS/hj

cc:

