

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

IN THE MATTER OF:

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

Reg. No.: 2013-42619
Issue No.: 2006
Case No.: 1 ██████████
Hearing Date: July 23, 2013
County: Kalamazoo

ADMINISTRATIVE LAW JUDGE: Carmen G. Fahie

HEARING DECISION

This matter is before the undersigned Administrative Law Judge by authority of MCL 400.9 and MCL 400.37, upon Claimant's Request for Hearing filed on April 8, 2013. After due notice, a hearing was held Tuesday, July 23, 2013. The law, MCL 24.278(2) provides that a disposition may be made of a contested case hearing by stipulation or agreed settlement. In this case, the Department has agreed to settle since the Department failed to determine the Claimant's eligibility for MA by determining the cash surrender value of the Claimant's Individual Retirement Account (IRA) and if the IRA was an excludable asset as a retirement account.

Under Bridges Administrative Manual Item 600, clients have the right to contest any agency decision affecting eligibility or benefit levels whenever they believe the decision is incorrect. The Department provides an Administrative Hearing to review the decision and determine if it is appropriate. Agency policy includes procedures to meet the minimal requirements for a fair hearing. Efforts to clarify and resolve the client's concerns must start when the hearing request is received and continue through the day of the hearing.

Prior to the closure of the hearing record, the Department agreed to redetermine the Claimant's eligibility for MA benefits using the cash surrender value of the Claimant's IRA and to have a determination from the policy office as to whether the IRA is an excludable asset. As a result of this agreement, Claimant indicated she/he no longer wished to proceed with the hearing. Since the Claimant and the Department have come to an agreement it is unnecessary for this Administrative Law Judge to make a decision regarding the facts and issues in this case.

Claimant retains a right to request a hearing on the above determination within 90 days from the date of the Department's written notice, pursuant to BAM Item 600.

Therefore, it is not necessary for the Administrative Law Judge to decide the matter that was in dispute. Pursuant to MAC R 400.906 and 400.903, Claimant's hearing request is **HEREBY DISMISSED**, because Claimant is no longer aggrieved by a Department action.

DECISION AND ORDER

The Administrative Law Judge based on the agreed upon settlement **ORDERS** that Claimant's hearing request is **DISMISSED**; and the Department shall:

1. Initiate a redetermination of the Claimant's eligibility for MA by sending a Verification Checklist for the Claimant to provide additional verification of her IRA, and policy office determination if the Claimant's IRA is an excludable asset.
2. Provide the Claimant with written notification of the Department's revised eligibility determination.
3. Issue the Claimant any retroactive benefits she/he may be eligible to receive, if any.

/s/ _____
Carmen G. Fahie
Administrative Law Judge
for Maura D. Corrigan, Director
Department of Human Services

Date Signed: 08/07/2013

Date Mailed: 08/07/2013

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 receipt 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.

Claimant may request a rehearing or reconsideration for the following reasons:

- A rehearing **MAY** be granted if there is newly discovered evidence that could affect the outcome of the original hearing decision.

- A reconsideration **MAY** be granted for any of the following reasons:
 - misapplication of manual policy or law in the hearing decision; or
 - typographical errors, mathematical error, or other obvious errors in the hearing decision that effect the substantial rights of the Claimant; or
 - the failure of the ALJ to address other relevant issues in the hearing decision.

Request must be submitted through the local DHS office or directly to MAHS by mail at:

Michigan Administrative hearings
Reconsideration/Rehearing Request
P. O. Box 30639
Lansing, Michigan 48909-07322

CGF/pw

cc:

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
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