

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 2013-42922
Issue No.: [REDACTED]
Case No.: [REDACTED]
Hearing Date: August 8, 2013
County: Wayne (43)

ADMINISTRATIVE LAW JUDGE: Eric Feldman

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 three-way telephone hearing was held on August 8, 2013, from Detroit, Michigan. Participants on behalf of Claimant included Claimant's Authorized Hearing Representative, [REDACTED], from [REDACTED]. Participants on behalf of the Department of Human Services (Department or DHS) included [REDACTED], Program Manager.

ISSUE

Did the Department properly process Claimant's retroactive Medical Assistance (MA) benefits application effective February 2012, ongoing?

FINDINGS OF FACT

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

1. In May 2012, Claimant was approved for Social Security Income (SSI) benefits. See Exhibit 1.
2. On October 30, 2012, Claimant's AHR applied for MA benefits seeking retroactive coverage from February 2012, ongoing. See Exhibit 1.
3. On April 24, 2013, the Department contacted the DHS exception unit to remedy the MA issue and obtain MA coverage for Claimant from February 2012, ongoing.

4. On April 15, 2013, Claimant's AHR filed a request for hearing concerning the Department's action. See Exhibit 1.

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 May 2012, Claimant was approved for Social Security Income (SSI) benefits. See Exhibit 1. On October 30, 2012, Claimant's AHR applied for MA benefits seeking retroactive coverage from February 2012, ongoing. See Exhibit 1. On April 24, 2013, the Department contacted the DHS exception unit to remedy the MA issue and obtain MA coverage for Claimant from February 2012, ongoing. On April 15, 2013, Claimant's AHR filed a request for hearing concerning the Department's action. See Exhibit 1.

Soon after commencement of the hearing, the parties testified that they had reached a settlement concerning the disputed action. Consequently, the Department agreed to do the following: initiate reinstatement of the October 30, 2012 retroactive MA application seeking coverage from February 2012, ongoing; begin reprocessing the application/recalculating the MA budget for February 2012, ongoing, in accordance with Department policy; begin issuing supplements to Claimant for any MA benefits he was eligible to receive but did not from February 2012, ongoing; and begin notifying Claimant and Claimant's AHR in writing of its decision 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 concludes that the Department and Claimant have come to a settlement regarding Claimant's request for a hearing.

THE DEPARTMENT IS ORDERED TO INITIATE THE FOLLOWING ACTION WITHIN TEN DAYS OF THE MAILING DATE OF THIS ORDER:

1. Initiate reinstatement of the October 30, 2012, retroactive MA application seeking coverage from February 2012, ongoing;
2. Begin reprocessing the application/recalculating the MA budget for February 2012, ongoing, in accordance with Department policy;
3. Begin issuing supplements to Claimant for any MA benefits he was eligible to receive but did not from February 2012, ongoing; and
4. Begin notifying Claimant and Claimant's AHR in writing of its decision in accordance with Department policy.

/s/
Eric Feldman
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: 08/26/2013

Date Mailed: 08/26/2013

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.

EF/sw

cc:

