

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

IN THE MATTER OF:



Reg. No.: 201319546
Issue No.: 3008
Case No.: [REDACTED]
Hearing Date: May 8, 2013
County: Wayne (17)

ADMINISTRATIVE LAW JUDGE: Alice C. Elkin

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 telephone hearing was held on May 8, 2013, from Detroit, Michigan. Participants on behalf of Claimant included [REDACTED], hearing representative with [REDACTED], Claimant's authorized representative and authorized hearing representative (AHR). Participants on behalf of the Department of Human Services (Department) included [REDACTED], Medical Contact Worker.

ISSUE

Whether the Department properly denied Claimant's February 16, 2012, application for Medical Assistance.

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 February 16, 2012, Claimant applied for MA coverage.
2. The Department sent Claimant, but not Claimant's AHR, a Verification Checklist requesting additional medical evidence.
3. On May 30, 2012, the Department sent Claimant, but not Claimant's AHR, a Notice of Case Action denying Claimant's MA application on the basis that Claimant had failed to return documentation necessary to complete a disability determination.

4. In a request for hearing dated July 12, 2012, Claimant's AHR requested a hearing concerning Claimant's February 16, 2012 MA application.

CONCLUSIONS OF LAW

Department policies are found in the Department of Human Services Bridges Administrative Manual (BAM), the Department of Human Services Bridges Eligibility Manual (BEM), the Department of Human Services Reference Tables Manual (RFT), and the Department of Human Services 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.

As a preliminary matter, the issue of whether Claimant's AHR had timely requested a hearing was addressed. The evidence showed that the Department issued a Notice of Case Action to Claimant on May 30, 2012, denying his February 16, 2012 MA application. Claimant's AHR requested a hearing on a Request for Hearing dated July 12, 2012. While this hearing request was time-stamped as received by the Michigan Administrative Hearing System on December 26, 2012, there was no evidence regarding when the Department received the request. Because the Department has failed to establish that Claimant's hearing request was not received within 90 days of the date the Notice of Case Action was sent, Claimant's hearing request is deemed timely filed. See BAM 600 (February 2013), p 4.

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, the Department acknowledged that Claimant's AHR was Claimant's authorized representative and should have received a copy of the VCL and Notice of Case Action sent to Claimant, but did not. Accordingly, the Department agreed to settle the matter, and both parties agreed to settlement terms concerning the disputed action. Consequently, the Department agreed to do the following: (1) reregister Claimant's February 16, 2012 MA application; (2) begin reprocessing the application in accordance with Department policy, including sending any necessary verification checklists to Claimant and Claimant's AHR; (3) provide Claimant with any MA coverage he is eligible to receive, if a disability is established, from February 1, 2012, ongoing; and (4) notify 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 DO THE FOLLOWING:

1. Reregister Claimant's February 16, 2012 MA application;
2. Begin reprocessing the application in accordance with Department policy, including sending any necessary verification checklists to Claimant and Claimant's AHR;
3. Provide Claimant with any MA coverage he is eligible to receive, if a disability is established, from February 1, 2012, ongoing; and
4. Notify Claimant and Claimant's AHR in writing of its decision in accordance with Department policy.



Alice C. Elkin
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: 5/16/2013

Date Mailed: 5/16/2013

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.

CG/hw

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cc:

