

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 2013-25763
Issue No.: 2000
Case No.: [REDACTED]
Hearing Date: July 8, 2013
County: Macomb DHS (12)

ADMINISTRATIVE LAW JUDGE: Christian Gardocki

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, an in-person hearing was held on July 8, 2013, from Clinton Township, Michigan. Participants included [REDACTED] as Claimant's authorized hearing representative. Participants on behalf of the Department of Human Services (DHS) included [REDACTED] Specialist.

ISSUE

The issue is whether DHS properly failed to process Claimant's Medical Assistance (MA) benefit eligibility.

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 9/29/11, DHS received from Claimant an application requesting MA benefits, including retroactive MA benefits from 8/2011.
2. DHS determined that Claimant was eligible for MA benefits, subject to a deductible.
3. As of the date of hearing, DHS had yet to approve Claimant's MA benefit eligibility from 8/2011-11/2011 to allow the billing of medical expenses.
4. DHS conceded that the failure to allow the billing of medical expenses from 8/2011-11/2011 was improper.

CONCLUSIONS OF LAW

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. DHS regulations are found in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Reference Tables Manual (RFT).

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's AHR requested a hearing to dispute a failure by DHS to process MA benefits for Claimant for the months of 8/2011-11/2011. DHS conceded that Claimant was entitled to MA benefits for the requested months. Soon after commencement of the hearing, the parties testified that they reached a settlement concerning the disputed action. DHS proposed to process MA eligibility for Claimant for the months of 8/2011-12/2011 to allow medical expense billing. Claimant's AHR accepted the DHS proposal. As the agreement appears to comply with DHS regulations, the settlement among the parties shall be accepted.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact, conclusions of law and by agreement of the parties, finds that DHS improperly failed to fully process MA eligibility for Claimant. It is ordered that DHS process Claimant's MA eligibility for the months of 8/2011-11/2011 so that medical expenses can be billed for the benefit months. The actions taken by DHS are REVERSED.



Christian Gardocki
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: 7/18/2013

Date Mailed: 7/18/2013

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)

2013-25763/CG

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

cc:

