

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 2013-59695
Issue No.: 2000
Case No.: [REDACTED]
Hearing Date: May 21, 2013
County: Wayne-35 County DHS

ADMINISTRATIVE LAW JUDGE: Corey A. Arendt

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 21, 2013, from Lansing, Michigan. Participants on behalf of Claimant included [REDACTED] (s). Participants on behalf of the Department of Human Services (Department) included [REDACTED]

ISSUE

Whether the Department properly complied with a September 25, 2012 hearing decision?

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 September 25, 2012, a hearing was held regarding the Claimant's receipt of MA benefits.
2. On September 25, 2012, a hearing decision and order was issued ordering the Department to initiate a processing and determination regarding the Claimant's eligibility for MA benefits for the months of January 2011 and November 2011 based upon the bills that were submitted and issue retroactive benefits if otherwise eligible and qualified.
3. On March 13, 2013, [REDACTED] requested a hearing to have the Department comply with the September 25, 2012 order.

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 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 the present case, Claimant requested a hearing to dispute the Department's action. 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: comply with the September 25, 2012 order and initiate a processing and determination regarding the Claimant's eligibility for MA benefits for the months of January 2011 and November 2011 based upon the bills that were submitted and issue retroactive benefits if otherwise eligible and qualified accompanied by a corresponding notice that is currently dated.

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. Initiate a processing and determination regarding the Claimant's eligibility for MA benefits for the months of January 2011 and November 2011 based upon the bills that were submitted and issue retroactive benefits if otherwise eligible and qualified accompanied by a corresponding notice that is currently dated.



Corey A. Arendt
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: May 22, 2013

Date Mailed: May 22, 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.

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,
 - typographical errors, mathematical error, or other obvious errors in the hearing decision that effect the substantial rights of the claimant:
 - 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

CAA/las

cc:

