

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 201345989
Issue No.: 2000
Case No.: [REDACTED]
Hearing Date: August 5, 2013
County: Macomb DHS (36)

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 August 5, 2013, from Sterling Heights, Michigan. Participants included [REDACTED] of [REDACTED] as Claimant's authorized hearing representative (AHR). Participants on behalf of the Department of Human Services (DHS) included [REDACTED], Specialist.

ISSUE

The issue is whether DHS properly processed Claimant's Medical Assistance (MA) eligibility for February 2013.

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 May 9, 2011, Claimant applied for MA benefits, including retroactive MA benefits from February 2011.
2. DHS failed to process Claimant's MA eligibility for February 2011.
3. On May 2, 2013, Claimant's AHR requested a hearing to dispute the failure by DHS to process Claimant's MA benefit coverage for February 2011.
4. DHS conceded that Claimant was eligible for Medicaid for the benefit month of February 2011.

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).

Prior to a substantive analysis of Claimant's hearing request, it should be noted that Claimant's AHR noted special arrangements in order to participate in the hearing; specifically, an in-person hearing was requested. Claimant's AHR's request was granted and the hearing was conducted accordingly.

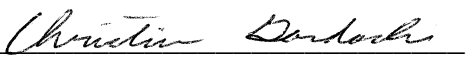
The law provides that disposition may be made of a contested case by stipulation or agreed settlement. MCL 24.278(2). In the present case, Claimant's AHR requested a hearing alleging that DHS failed to process Claimant's MA benefit eligibility for February 2011. DHS conceded the failure and that the failure was improper. DHS proposed to authorize Claimant's February 2011 Medicaid eligibility and to process a MSA-1038 to allow for billing of a hospital bill from February 2011. Claimant's AHR accepted the 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 failed to approve Claimant's MA benefit eligibility for February 2011. It is ordered that DHS:

- (1) approve Claimant's MA benefit eligibility for February 2011; and
- (2) process an MSA-1038 for Claimant to allow hospital billing for February 2011.

The actions taken by DHS are **REVERSED**.


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

Date Signed: August 22, 2013

Date Mailed: August 23, 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/aca

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