

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 2013-47402
Issue No.: 2000
Case No.: [REDACTED]
Hearing Date: July 29, 2013
County: Wayne (82-17)

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 July 29, 2013, from Detroit, Michigan. Participants on behalf of Claimant included [REDACTED]

[REDACTED] Participants on behalf of the Department of Human Services (Department) included [REDACTED]

ISSUE

Whether the Department properly processed Claimant's February 2, 2012, application for Medical Assistance (MA) benefits, and application for retroactive coverage to January 2012.

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 2, 2012, Claimant applied for MA, with retroactive coverage to January 2012.
2. The AHR was Claimant's authorized representative (AR) at the time of application.
3. On June 18, 2012, the AHR filed a request for hearing contending that the Department had failed to process Claimant's application.

CONCLUSIONS OF LAW

Department policies are found in the Department of Human Services Bridges Administrative Manual (BAM), Bridges Eligibility Manual (BEM), Reference Tables Manual (RFT), and 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, it is noted that the hearing packet did not contain any documentation authorizing the AHR to act as Claimant's authorized hearing representation. At the hearing, the Department testified that it had documentation dated January 27, 2012, granting the AHR the authority to act as Claimant's AR, including representing Claimant in a hearing. Therefore, the AHR had the authority to request a hearing on Claimant's behalf. At the hearing, the AHR testified that Claimant died on [REDACTED]. The AHR presented Letters of Authority dated [REDACTED], appointing [REDACTED] and an Authorization for Release of Information signed by [REDACTED] in her capacity as Claimant's personal representative granting the AHR authority to represent Claimant's interests at the hearing. See BAM 600 (July 2013), pp. 2-3.

In the present case, the AHR requested a hearing to dispute the Department's failure to process Claimant's February 2, 2012, MA application with retroactive coverage to January 2012. At the hearing, the Department testified that Claimant's application had been denied based on the finding by the Medical Review Team (MRT) that Claimant was not disabled, and a Notice of Case Action denying the application was sent to Claimant. However, the Department acknowledged that no Notice had been sent to the AHR, which it verified was Claimant's AR at the time the Notice of Case Action was sent.

The law provides that disposition may be made of a contested case by stipulation or agreed settlement. MCL 24.278(2). 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: (i) reregister Claimant's February 2, 2012, MA application with retroactive coverage to January 2012; (ii) begin reprocessing the application; (iii) provide Claimant with the MA coverage he was eligible to receive, if any, from January 1, 2012, ongoing; (iv) notify the AHR in writing of its decision; and (v) comply with each of the preceding steps in accordance with Department policy.

As a result of this settlement, the AHR 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 the AHR 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 2, 2012, MA application with retroactive coverage to January 2012;
2. Begin reprocessing the application;
3. Provide Claimant with the MA coverage he was eligible to receive, if any, from January 1, 2012, ongoing;
4. Notify the AHR in writing of its decision; and
5. Comply with each of the preceding steps in accordance with Department policy.



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

Date Signed: August 5, 2013

Date Mailed: August 6, 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.

ACE/pf

cc:

