

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



Reg. No.: 201424514
Issue No(s): 2000
Case No.: [REDACTED]
Hearing Date: May 15, 2014
County: Wayne (82)

ADMINISTRATIVE LAW JUDGE: Alice C. Elkin

SETTLEMENT ORDER

Following Claimant's request for a hearing, this matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and 400.37; 7 CFR 273.15 to 273.18; 42 CFR 431.200 to 431.250; 45 CFR 99.1 to 99.33; and 45 CFR 205.10. After due notice, a telephone hearing was held on May 15, 2014, from Detroit, Michigan. Participants on behalf of Claimant included [REDACTED], Claimant's authorized hearing representative (AHR); [REDACTED], Claimant's agent pursuant to a June 6, 2012 General Durable Power of Attorney; and [REDACTED]. Participants on behalf of the Department of Human Services (Department) included [REDACTED], Eligibility Specialist, and [REDACTED] Assistant Attorney General.

ISSUE

Did the Department properly deny Claimant's Medical Assistance (MA) application for failure to verify?

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 November 25, 2013, Claimant applied for MA benefits.
2. On January 8, 2014, the Department sent Claimant a Notice of Case Action denying her application due to failure to verify real properly.
3. On January 22, 2014, Claimant requested a hearing disputing the Department's actions and authorizing the AHR to act on her behalf.

CONCLUSIONS OF LAW

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

The Medical Assistance (MA) program is established by Title XIX of the Social Security Act, 42 USC 1396-1396w-5; 42 USC 1315; the Affordable Care Act of 2010, the collective term for the Patient Protection and Affordable Care Act, Pub. L. No. 111-148, as amended by the Health Care and Education Reconciliation Act of 2010, Pub. L. No. 111-152; and 42 CFR 430.10-.25. The Department (formerly known as the Family Independence Agency) administers the MA program pursuant to 42 CFR 435, MCL 400.10, and MCL 400.105-.112k.

At the hearing, the Department explained that, after it sent the January 8, 2014 application denying Claimant's application, it received the verifications that had resulted in the denial of the November 25, 2013 application, and reregistered and reprocessed the application. On January 30, 2014, it sent Claimant and her agent a Notice of Case Action approving the application subject to a divestment for the period between November 1, 2013 and November 9, 2014. These facts were sufficient to establish that Department resolved the issue that resulted in the January 22, 2014 request for hearing.

Because the January 30, 2014 Notice of Case Action approving Claimant's MA application subject to the divestment was issued after the January 22, 2014 request for hearing, the divestment issue was outside the purview of the undersigned's jurisdiction. However, because the Department did not send Claimant's AHR a copy of the January 30, 2014 Notice of Case Action approving Claimant's application and notifying her of the divestment, the Department stipulated on the record that it would manually issue a currently-dated Notice of Case Action to Claimant's AHR in order grant the AHR the opportunity to timely request a hearing concerning the divestment issue.

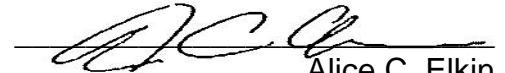
The law provides that disposition may be made of a contested case by stipulation or agreed settlement. MCL 24.278(2). Soon after commencement of the hearing, the parties testified that they had reached a settlement concerning the disputed action. Consequently, the Department, with the agreement of the assistant attorney general, agreed to do the following: send the AHR a currently-dated Notice of Case Action concerning the approval of Claimant's November 25, 2013 MA application subject to the divestment.

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. Send the AHR a currently-dated Notice of Case Action concerning the approval of Claimant's November 25, 2013 MA application subject to the divestment.


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

Date Signed: May 28, 2014

Date Mailed: May 29, 2014

NOTICE OF APPEAL: A party may appeal this Hearing Decision in the circuit court in the county in which he/she resides or has its principal place of business in the State, or the circuit court in Ingham County, within 30 days of the receipt date.

A party may request a rehearing or reconsideration of this Hearing Decision from the Michigan Administrative Hearing System (MAHS) within 30 days of the mailing date of this Hearing Decision, or MAHS may order a rehearing or reconsideration on its own motion.

MAHS may grant a party's Request for Rehearing or Reconsideration when one of the following exists:

- Newly discovered evidence that existed at the time of the original hearing that could affect the outcome of the original hearing decision;
- Misapplication of manual policy or law in the hearing decision which led to a wrong conclusion;
- Typographical, mathematical or other obvious error in the hearing decision that affects the rights of the client;
- Failure of the ALJ to address in the hearing decision relevant issues raised in the hearing request.

The party requesting a rehearing or reconsideration must specify all reasons for the request. MAHS will not review any response to a request for rehearing/reconsideration. A request must be *received* in MAHS within 30 days of the date this Hearing Decision is mailed.

A written request may be faxed or mailed to MAHS. If submitted by fax, the written request must be faxed to (517) 335-6088 and be labeled as follows:

Attention: MAHS Rehearing/Reconsideration Request

If submitted by mail, the written request must be addressed as follows:

Michigan Administrative Hearings
Reconsideration/Rehearing Request
P.O. Box 30639
Lansing, Michigan 48909-07322

ACE/tlf

2014-24514/ACE

cc:

