

STATE OF MICHIGAN
STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES

ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF: [REDACTED],
Claimant

Reg. No.: 2008-24498
Issue No.: 6019
Case No.: [REDACTED]
Load No.: [REDACTED]
Hearing Date:
June 22, 2009
Wayne County DHS

ADMINISTRATIVE LAW JUDGE: Linda Steadley Schwarb

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37 upon claimant's request for a hearing. After due notice, a hearing was held on June 22, 2009. The claimant appeared for the hearing. She was represented by [REDACTED].

ISSUE

Did the Department of Human Services (DHS or department) properly terminate claimant's ongoing Child Development and Care (CDC) program benefits?

FINDINGS OF FACT

The Administrative Law Judge, based upon the competent, material and substantial evidence on the whole record, finds as material fact:

- 1) Claimant was an ongoing recipient of CDC benefits.
- 2) On June 6, 2008, the department notified claimant that it had closed her CDC case.

- 3) On June 3, 2008 and June 17, 2008, claimant filed requests for hearing to protest the closure of her CDC.
- 4) At the hearing, claimant and her attorney indicated that claimant was seeking CDC benefits for the 3 youngest children ([REDACTED]) when claimant was at work and the children were not in school.
- 5) At the hearing, the parties reached an accord. The department agreed to initiate reconsideration of claimant's eligibility for CDC benefits for [REDACTED], and [REDACTED] when claimant was at work and the children were not in school effective March 2008.
- 6) The parties agreed that claimant and her attorney may submit additional documentation to the department on or before July 8, 2009 and that, thereafter, the department will notify claimant and her attorney of its determination in writing.

CONCLUSIONS OF LAW

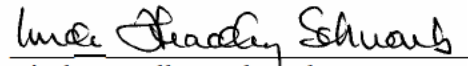
The Child Development and Care program is established by Titles IVA, IVE and XX of the Social Security Act, the Child Care and Development Block Grant of 1990, and the Personal Responsibility and Work Opportunity Reconciliation Act of 1996. The program is implemented by Title 45 of the Code of Federal Regulations, Parts 98 and 99. The Department of Human Services (DHS or department) provides services to adults and children pursuant to MCL 400.14(1) and MAC R 400.5001-5015. Department policies are contained in the Program Administrative Manual (PAM), the Program Eligibility Manual (PEM) and the Program Reference Manual (PRM).

The law provides that disposition may be made of a contested case by stipulation or agreed settlement. MCL 24.278(2). In this case, the parties reached an accord. The department agreed to initiate reconsideration of claimant's eligibility for CDC for [REDACTED], and [REDACTED] when

claimant was at work and the children were not in school effective March 2008. The parties further agreed that claimant and her attorney may submit additional documentation to the department on or before July 8, 2009 and that, thereafter, the department will notify claimant and her attorney of its determination in writing.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the Department of Human Services shall initiate reconsideration of claimant's eligibility for Child Development and Care for claimant's children [REDACTED], and [REDACTED] when claimant was at work and the children were not in school effective March 2008. Claimant and her attorney may submit additional documentation to the department on or before July 8, 2009 and, thereafter, the department will notify claimant and her attorney of its determination in writing.


Linda Steadley Schwarz
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: 10/20/09

Date Mailed: 10/23/09

NOTICE: Administrative Hearings 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. Administrative Hearings 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.

The Claimant may appeal the Decision and Order to Circuit Court within 30 days of the mailing 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.

2008-24498/LSS

LSS/dj

cc:

