

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. 2008-24536
Issue No: 6000
Case No. [REDACTED]
Load No. [REDACTED]
Hearing Date:
August 13, 2009
Wayne County DHS

ADMINISTRATIVE LAW JUDGE: Colleen Lack

HEARING DECISION

This matter is before the undersigned Administrative Law Judge upon pursuant to MCL 400.9; MCL 400.37 upon claimant's request for a hearing. After due notice, a telephone hearing was held on August 13, 2009. Claimant appeared and testified. LaShon McCants, FIM, appeared on behalf of the department.

ISSUE

Did the Department properly process claimant's Child Development and Care Program (CDC) benefits for September 2007 to March 2008?

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 applied for CDC benefits for the months of December 2007 to March 2008 when [REDACTED] was providing child care services for the children.
2. The department was processing the CDC benefits when the assigned worker went on medical leave before a provider ID was issued for [REDACTED].

3. On June 10, 2009, claimant filed a hearing request because the CDC benefits had not been paid.
4. At the hearing, the Department agreed CDC benefits were owed for December 2007 to March 2008 and they will continue processing to have a provider ID issued for [REDACTED] as a care provider. The department further agreed that if they are unable to process with [REDACTED] as a care provider, or in the alternative, the department will process the CDC benefits with [REDACTED] as a day care aid so that payment can be issued and mailed to claimant. As a result of this agreement, claimant indicated that she no longer wished to proceed with the hearing.

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).

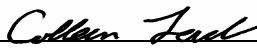
Under Program Administrative Manual Item 600, clients have the right to contest any agency decision affecting eligibility or benefit levels whenever they believe the decision is illegal. The agency provides an Administrative Hearing to review the decision and determine if it is appropriate. Agency policy includes procedures to meet the minimal requirements for a fair hearing. Efforts to clarify and resolve the client's concerns start when the agency receives a hearing request and continues through the day of the hearing.

In the present case, claimant is contesting the processing of her CDC benefits. At the hearing, the department and claimant agreed CDC benefits are owed for December 2007 to March 2008. The department agreed to continue processing to have a provider ID issued for [REDACTED] as a care provider. The department further agreed that if they are unable to process with [REDACTED] as a care provider, or in the alternative, the department will process the CDC benefits with [REDACTED] as a day care aid so that payment can be issued and mailed to claimant. As a result of this agreement, claimant indicated she no longer wished to proceed with the hearing. Since the claimant and the department have come to an agreement, it is unnecessary for this Administrative Law Judge to make a decision regarding the facts and issues in this case.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the department and claimant have come to a settlement regarding claimant's request for a hearing.

Therefore, it is ORDERED that the department process CDC benefits for December 2007 to March 2008 and award benefits to claimant in accordance with this settlement agreement.



Colleen Lack
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: 09/14/09

Date Mailed: 09/18/09

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.

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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.

CL/dj

cc:

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