

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.: 2008-25821
Issue No.: 6019
Case No.: [REDACTED]
Load No.: [REDACTED]
Hearing Date:
May 4, 2009
Wayne County DHS (18)

ADMINISTRATIVE LAW JUDGE: Michael J. Bennane

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9; MSA 16.409 and MCL 400.37; MSA 16.437 upon the Claimant's request for a hearing. After due notice a telephone hearing was held on May 4, 2009. The Claimant personally appeared and testified.

ISSUE

Did the Department properly deny the Claimant's Child Development and Care (CDC)?

FINDINGS OF FACT

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

1. On October 16, 2007, the Claimant filed an application for CDC.
2. On November 30, 2007, the department denied the claimant's CDC application for non-cooperation with child support.
3. On December 3, 2007, the Department received notice that the claimant was in compliance with child support.

4. On January 2, 2008, the claimant applied again for CDC.
5. The department was unable to locate the January 2, 2008, application.
6. On July 7, 2008, the Claimant filed a request for a 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 (formerly known as the Family Independence Agency) provides services to adults and children pursuant to MCL 400.14(1) and MAC R 400.5001-5015.

Here, the Department cites PEM 702 for the reason it denied the claimant's CDC application saying the claimant had failed to provide documentation of her school attendance.

DEPARTMENT POLICY

The client is responsible for obtaining any requested verifications needed to determine eligibility. Use the DHS-3503, Verification Checklist, to inform the client of what verifications are needed at application and redetermination. You may also choose to use the form at case changes. A copy of all verifications must be filed in the case record. (PEM 702, p.1).

The Claimant originally applied for CDC on October 16, 2007. The department denied that application for non-cooperation with child support on November 30, 2007. However, on December 3, 2007, the department received documentation that the claimant was in cooperation.

The claimant re-filed for CDC on January 2, 2008, but the department has no record of this application. The claimant entered into evidence a department notice that notified the claimant that she was eligible for CDC and that cited the application date of January 2, 2008.

The claimant further testified that documentation of her school attendance had been provided to the department.

This ALJ finds that the January 2, 2008, application is proved by the department's own eligibility notice sent February 20, 2008, and marked claimant's exhibit 1. The department's inability to produce the January 2, 2008, application may well include the documentation of school attendance that the claimant testified was provided.

DECISION AND ORDER

The Administrative Law Judge, based on the above findings of fact and conclusions of law, REVERSES and ORDERS the Department to retroactively reregister the claimant's CDC and upon presentation of documentation of the claimant's proper school attendance pay any CDC benefits owed from January 2, 2008.

_____/s/_____
Michael J. Bennane
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: 06/16/09

Date Mailed: 06/17/09

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 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.

2008-25821/MJB

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