

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.: 2008-26565

Issue No.: 6000

Case No.: [REDACTED]

Load No.: [REDACTED]

Hearing Date:

March 29, 2010

Wayne County DHS (35)

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 March 29, 2010. The Claimant personally appeared and testified.

ISSUE

Did the Department properly compute the amount of the Claimant's Child Development and Care, (CDC) benefits?

FINDINGS OF FACT

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

1. The claimant was a CDC recipient.
2. The department ceased paying the claimant for child care rendered in August, 2008.
3. On October 10, 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. Department policies are contained in the Program Administrative Manual (PAM), the Program Eligibility Manual (PEM) and the Program Reference Manual (PRM).

Pay Periods

Child Development and Care pay periods are biweekly (two week) periods. RFS 110 lists the CDC pay periods. Each pay period has a:

Begin date. The first Sunday of the pay period.

End date. The last Saturday of the pay period, 14 days after the begin date.

Pay period number. The three digit number assigned to the pay period.

CIMS deadline dates. The date by which the authorization must be entered on CIMS in order for a warrant to be issued to the child care provider by the tentative warrant date. Providers must bill for the biweekly pay period by the billing deadline date (see DHS PUB-230 for billing deadlines) in order for a warrant to be issued by the tentative warrant date. All billing information must be accurate and an authorization for the pay period must be on CIMS for a warrant to be issued. (PEM 706, pp.1-2).

The law provides that disposition may be made of a contested case by stipulation or agreed settlement. MCL 24. 278(2). In the instant case, the parties reached an accord. The

Department agreed to accept documentation showing child care provided for the claimant and refigure and make payment on benefits missed if applicable.

DECISION AND ORDER

The Administrative Law Judge, based on the above findings of fact and conclusions of law, REVERSES and ORDERS the Department to accept documentation showing child care provided for the claimant and refigure and make payment on benefits missed if applicable.



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

Date Signed: 4/26/2010

Date Mailed: 4/26/2010

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.

MJB/jlg

cc:

