

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.: 2009-16240

Issue No.: 6019

Case No.: [REDACTED]

Load No.: [REDACTED]

Hearing Date:

July 22, 2009

Wayne County DHS (57)

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 July 22, 2009. Claimant appeared for the hearing with her authorized representative by [REDACTED].

ISSUE

Did the Department of Human Services (DHS or department) properly process claimant's application for 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) On May 6, 2008, claimant filed an application for CDC benefits.
- (2) The department never made a formal determination on claimant's application.
- (3) On January 28, 2009, claimant filed a hearing request to protest the department's failure to respond to her application for benefits.

- (4) At the hearing, the parties reached an accord. The department agreed to initiate a consideration of claimant's May 6, 2008 application for CDC, recreating the application and file as needed. The department further agreed to notify claimant and her authorized representative of its determination in writing.
- (5) Claimant and her authorized representative indicated satisfaction with the department's plan of action.

CONCLUSIONS OF LAW

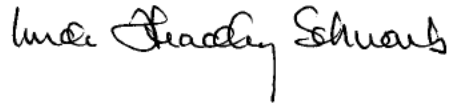
The Child Development and Care program is established by Titles IVA, IVE and XX of the Social Security Act, the Child Care and Development Block Grant of 1990, and the Personal Responsibility and Work Opportunity Reconciliation Act of 1996. The program is implemented by Title 45 of the Code of Federal 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 a consideration of claimant's May 6, 2008 application for CDC, recreating the application and file as needed. The department further agreed to notify claimant and her authorized representative of its determination in writing. Claimant's authorized representative indicated satisfaction with the department's plan of action.

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 a consideration of claimant's

May 6, 2008 application for Child Development and Care program benefits. The department shall recreate the application and file as needed. The department shall further notify claimant and her authorized representative of it's determination in writing.



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

Date Signed: 10/22/09

Date Mailed: 10/22/09

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 the Circuit 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.

LSS/jlg

cc:

