

STATE OF MICHIGAN
STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES
ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF:



Reg. No.: 200927008
Issue No.: 6000
Case No.: [REDACTED]
Load No.: [REDACTED]
Hearing Date: August 5, 2010
Wayne County DHS

ADMINISTRATIVE LAW JUDGE: Jeanne VanderHeide

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37 upon the Claimant's request for hearing. After due notice, a telephone hearing was conducted from Detroit, Michigan on August 5, 2010. The Claimant was present and testified. [REDACTED], ES, appeared on behalf of the Department.

ISSUE

Whether the Department properly began Claimant CDC benefits in April of 2009?

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 assistance on 3/9/09 turning in all necessary paperwork for her provider at the time of application.
2. The Department did not activate Claimant's CDC benefits until sometime in April or May of 2009.
3. The Department received Claimant's request for a hearing on May 12, 2009 regarding CDC benefits.
4. At the hearing, based on the evidence presented the Department agreed to issue CDC benefits retroactive to the date of application, 3/9/09 and supplement Claimant for any benefits from 3/9/09 to the date that the benefits began.

5. As a result of this agreement, Claimant indicated that she no longer wished to proceed with a full hearing and decision regarding FAP benefits.

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 Bridges/Program Administrative Manual (BAM/PAM), the Bridges/Program Eligibility Manual (BEM/PEM) and the Reference Tables (RFT).

Under Bridges 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 the Department has agreed to open CDC benefits as of the date of application, 3/9/09. The Department has further agreed to supplement Claimant for any benefits not paid from 3/9/09 until the date that the CDC was opened in April or May of 2009. 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 findings of fact and conclusions of law, finds that the Department and Claimant have come to a settlement regarding claimant's request for a hearing.

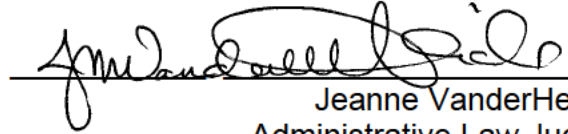
Accordingly, it is ORDERED that:

1. The Department shall open Claimant's CDC benefits retroactive to the date of application, 3/9/09.

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2. The Department shall supplement the Claimant for any lost benefits she was otherwise entitled to receive.

/s/



Jeanne VanderHeide
Administrative Law Judge
For Ismael Ahmed, Director
Department of Human Services

Date Signed: August 6, 2010

Date Mailed: August 6, 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 60 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 of the rehearing decision.

JV/hw

cc:

