

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.: 2009-35076

Issue No.: 3000/6019

Case No.: [REDACTED]

Load No.: [REDACTED]

Hearing Date:

October 7, 2009

Wayne County DHS (82)

ADMINISTRATIVE LAW JUDGE: Aaron McClintic

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 October 8, 2009 claimant was present and testified, [REDACTED] FIS appeared for the department and testified.

ISSUE

Is the department correct in closing claimant's FAP benefits and in processing claimant's Child Day Care benefit?

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 was a FAP and Child Day Care recipient.
- (2) Claimant's FAP benefit was closed effective July 31, 2009.
- (3) Claimant requested hearing on August 19, 2009 contesting the closure of FAP benefits and questioning the processing of Child Day Care benefits.

- (4) The parties reached a settlement and agreed that claimant and her daughter will be included on claimant's mother's, [REDACTED], FAP benefit effective August 1, 2009.

CONCLUSIONS OF LAW

Food Assistance (FAP)

The Food Assistance Program, formerly known as the Food Stamp ("FS") program, is established by the Food Stamp Act of 1977, as amended, and is implemented by the federal regulations contained in Title 7 of the Code of Federal Regulations ("CFR"). The Department of Human Services ("DHS"), formally known as the Family Independence Agency, administers the FAP program pursuant to MCL 400.10, *et seq* and MAC R 400.3001-3015. Departmental policies are found 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, the parties reached an agreement with regard to FAP benefit. 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.

Day Care Assistance (CDC)

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).

Payments are issued in the name of the provider and mailed directly to the provider, except payments for clients who use day care aides which are issued and mailed to the client. PEM 706. All providers are positive bill providers. As such, they are required to bill DHS in order to receive payment. Bills must be received within 90 days of providing child care. Payment is issued after the provider bills. PEM 706.

In the present case, at hearing the Department had no records regarding the claimant's child day care benefit. The claimant testified that she submitted records for child day care reimbursement. The claimant's hearing request clearly raises issues related to child day care. The claimant's hearing request is dated August 19, 2009. This Administrative Law Judge can only address issues that arose 90 days prior to the hearing request. The Department shall re-examine and reprocess all documents submitted after May 19, 2009 to determine eligibility for child day care assistance.

DECISION AND ORDER

The Department and claimant have come to a settlement regarding claimant's request for a hearing regarding FAP benefits. Therefore it is ORDERED that the Department will include claimant and her daughter on claimant's mother's FAP benefit effective August 1, 2009. It is further ORDERED that the Department shall re-examine and reprocess all documents submitted after May 19, 2009 to determine eligibility and effectuate payment for child day care assistance.



Aaron McClintic
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: 11/02/09

Date Mailed: 11/02/09

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 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 date of the rehearing decision.

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