

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 2009-35761
Issue No.: 6019
Case No.: [REDACTED]
Load No.: [REDACTED]
Hearing Date: September 13, 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 and MCL 400.37 upon the claimant's request for a hearing. After due notice, a telephone hearing was held on September 13, 2010. The claimant appeared and testified.

ISSUE

Did the Department properly close the Claimant's Child Care (CDC)?

FINDINGS OF FACT

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

1. The claimant was an ongoing CDC recipient.
2. On July 1, 2009, the department closed the claimant's CDC.
3. On July 30, 2009, 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 Bridges Administrative

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Manual (BAM), the Bridges Eligibility Manual (BEM) and the Bridges Reference Manual (BRM).

In the instant case the department was notified by the office of child support that the claimant was not in compliance.

At the hearing the claimant testified to having submitted a Personal Protection Order (PPO). The office of child support was not in attendance at the hearing.

VERIFICATION REQUIREMENTS

Good Cause

FIP, CDC Income Eligible, MA and FAP

A claim of good cause must be supported by written evidence or documented as credible. Assist the client in obtaining evidence if he **cannot** furnish it. See [“VERIFICATION SOURCES”](#) below for examples of acceptable evidence.

Verification of good cause due to domestic violence is required only when questionable.

VERIFICATION SOURCES

Good Cause

Pending Adoption:

Court documents or records indicating that legal proceedings for adoption are pending.

Adoption Counseling:

Written statement from a public or licensed private social agency indicating:

That the client is being helped to decide whether the child should be released for adoption, **and**

The date the agency began its services for this purpose.

Domestic Violence

Documented receipt of domestic violence counseling.
Medical records.

Court records(e.g., personal protection order or petition).
(PEM 255, pp.13-14).

The department was not aware of when or if a PPO had been submitted by the claimant. This ALJ finds that the claimant did submit a PPO and that the claimant claim of "good cause" for noncompliance is correct.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, REVERSES AND ORDERS the Department reinstate the claimant's CDC and replace any documented benefits lost.



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

Date Signed: 9/28/2010

Date Mailed: 9/28/2010

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 mailing 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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cc:

