

STATE OF MICHIGAN
STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES

ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF:

██████████
Claimant

Reg. No.: 2009-16616
Issue No.: 6019
Case No.: ██████████
Load No.: ██████████
Hearing Date:
June 17, 2010
Wayne County DHS (76)

ADMINISTRATIVE LAW JUDGE: Jonathan W. Owens

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 June 17, 2010. Claimant appeared and testified.

ISSUE

Did the Department of Human Services (Department) properly deny Claimant's request for Child Day Care eligibility?

FINDINGS OF FACT

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

1. On June 1, 2008 the Claimant applied for CDC.
2. On November 9, 2008 the Claimant received a notice indicating her CDC case was closed due to inactivity.
3. On January 27, 2009 the Claimant requested 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).

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 Claimant applied for CDC on or around June 1, 2008. The Department was unable to determine when an application was truly submitted. The Claimant testified she never received any notice her CDC application had been opened or denied until November 2008. The Department acknowledged a notice of case closure was sent and it did in fact state the case was closed for inactivity. However the Department representative indicated the case never should have been opened due to excess income. It should be noted the Department had no case record or any documents to support what actions were done and why on the Claimant's case. The only document presented by the Claimant was the notice of case action dated November 2008. This Administrative Law Judge was unable to determine if any actions taken on the alleged application took place correctly. The Department presented no evidence of any case actions prior to November 2008.

Since the Department is unable to demonstrate the CDC application submitted by the Claimant was truly processed nor could the Department provide any documents to support the assertion the Claimant was ineligible for CDC this ALJ must order the Department to reprocess the application.

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 was not acting in compliance with Department policy.

Accordingly, the Department is REVERSED and the Department is ORDERED to determine eligibility for CDC based on the June 1, 2008 application and if eligible provide benefits.



Jonathan W. Owens
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: 07/14/2010

Date Mailed: 07/14/2010

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.

JO/cjp

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