

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: 2009-24189
Issue No: 6019
Case No: [REDACTED]
Load No:
Hearing Date:
July 23, 2009
Washtenaw County DHS

ADMINISTRATIVE LAW JUDGE: Janice Spodarek

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, an in-person evidentiary hearing was held on July 23, 2009.

ISSUE

Did claimant and the Department come to an agreed-upon settlement at the administrative hearing?

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 2/26/09, claimant applied for the Child Development and Care (CDC) program.
- (2) The hearing summary contains information regarding food stamps. The parties agreed at the administrative hearing that there was no food stamp issue left to resolve.

(3) On 4/13/09, the DHS denied CDC on the grounds that claimant failed to provide verification. Contrary information was brought forth at the administrative hearing. The department has in its possession all necessary verification(s) to process claimant's CDC application of 2/26/09.

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).

MCL 24.278(2) allows for disposition to be made of a contested case hearing by stipulation or agreed-upon settlement. At the evidentiary hearing held in this matter on 7/23/09, the parties came to an agreed-upon settlement. The terms of the settlement are as follows:

The department agreed to reinstate claimant's 2/26/09 CDC application and reprocess. The department has in its possession all necessary verifications to reprocess the application. The department shall issue notice to claimant informing her of the new determination and the calculation for CDC eligibility. Should claimant dispute the outcome of the new calculation, claimant shall retain a right to a hearing for 90 days from the date of the new notice.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the agreed-upon settlement between claimant and the department is hereby UPHELD.

The department is ORDERED to issue new notice to claimant informing her of the outcome of its new determination and calculation for eligibility for CDC pursuant to claimant's 2/26/09 CDC application, which the department agreed to reinstate. Should claimant dispute the outcome of the new determination or the new calculation, claimant shall retain a right to hearing for 90 days from the date of the new notice. It is SO ORDERED.

/s/ _____
Janice Spodarek
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: August 10, 2009

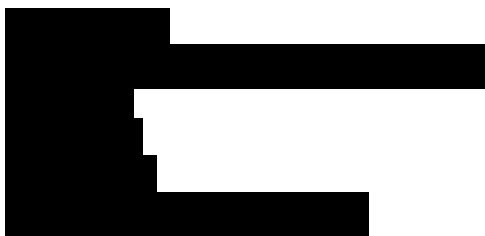
Date Mailed: August 11, 2009

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 mailing date of the rehearing decision.

JS/cv

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