

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: 2009-24638

Issue No: 6000

Case No:

[REDACTED]

Load No:

Hearing Date:

July 15, 2009

Wayne County DHS

ADMINISTRATIVE LAW JUDGE: Steven M. Brown

ORDER OF DISMISSAL

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37 upon Claimant's May 22, 2009 request(s) for a hearing.

The hearing file in this matter contained 4 pages at the time of hearing – the Notice of Hearing, the Hearing Summary and 2 Requests for Hearing. The Hearing Summary does not list any information for the “Date client notified of department action”, “Effective date of action” or the “Law and regulation(s) or manual item(s) used in taking action”. The Hearing Summary states that the “Actions prompting Hearing Request” was “Termination” and the “Explanation of action taken and facts and fact sources used in taking action” was “Client applied for FIP on 5/22/09, case is still pending. Client CDC issue closed due to provider mail being return. Client has been informed that once she submits current information CDC will be processed. Client has been given all forms needed to re-open CDC.”

The Department's position at hearing was that there was an issue with Claimant's CDC benefits from December 2008 to April 24, 2009 which has been resolved. Claimant agreed that there is no longer an issue with her CDC benefits for this time period. In addition, she has no issue with her FIP and/or her FAP benefits.

Claimant is, however, seeking CDC benefits from April 25, 2009 forward. The Department's position is that Claimant's CDC case was closed on April 25, 2009 because she was not working. Claimant's position was that she was not working because her pregnancy was deemed high risk and she also had been shot.

The Department stated that Claimant's case was closed April 25th, but a negative action in this regard did not go out until June 11, 2009 due to a computer system glitch. Claimant stated that she filed an April 24, 2009 Request for Hearing, received an April 29, 2009 Hearing Summary, filed May 22, 2009 Request(s) for Hearing, received a June 2, 2009 Hearing Summary, received a June 11, 2009 document closing her CDC case and filed a June 16, 2009 Request for Hearing.

The Department and Claimant were instructed to send over whatever documents each had to sort out the procedural history in this matter by the end of the next business day. The undersigned received multiple documents from the Department and Claimant by the deadline.

Claimant's April 24th Request for Hearing addresses CDC benefits from January - April 2009 and the computer closing her case on April 14, 2009. The April 29, 2009

Hearing Summary states “CDC closed in error, client has been contacted and informed once she provide more information case will be re-opened. Client states to have information submitted no later than 5-8-09”. Claimant’s May 22nd Request(s) for Hearing refer to an April 24, 2009 application for FIP and CDC, a request for an increase in her FAP benefits and a reference to the April 29, 2009 Hearing Summary. As stated above, Claimant has no issue with her FIP or FAP benefits.

The June 11th DHS-4690 states in pertinent part: “Effective 06/11/09 your child day care case will be closed”. A June 11, 2009 Application Eligibility Notice states in pertinent part: “You are not eligible for: The CDC will close. Program for the following reasons: Client no longer working.” The June 16th Request for Hearing states in pertinent part: “On 06/15/09 [REDACTED] called me to advise me the Child Care was active as of 12/02/08 to 04/25/09.....I received a letter on 6/12/09 stating my child care case is closed as of 06/11/09.”

An opportunity for a hearing shall be granted to an applicant who requests a hearing because their claim for assistance is denied, or to any recipient who is aggrieved by any department action resulting in suspension, reduction, discontinuance, or termination of assistance.

With the above said, based on the testimony and documentary evidence presented, Claimant is certainly entitled to a full and fair hearing based on the June 11, 2009 negative action taken by the Department given her timely request for hearing. However, the issue(s) raised in her May 22nd Request(s) for Hearing, have been resolved.

Accordingly, it is not necessary for the undersigned to decide the matter that was before the undersigned, but is no longer in dispute. Claimant's hearing request is HEREBY DISMISSED, it is SO ORDERED.

/S/

Steven M. Brown
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: July 21, 2009

Date Mailed: July 21, 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 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.

SMB/db

cc:

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