

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: 2009-27370

Issue No: 6019

Case No: [REDACTED]

Load No: [REDACTED]

Hearing Date:

June 22, 2010

Genesee County DHS

ADMINISTRATIVE LAW JUDGE: Kevin Scully

HEARING DECISION

This matter is before the undersigned Administrative Law Judge by authority of MCL 400.9 and MCL 400.37. Claimant's request for a hearing was received on May 22, 2009. After due notice, a telephone hearing was held on Tuesday, June 22, 2010.

ISSUE

Whether the Department of Human Services (Department) properly determined the Claimant's Child Development and Care (CDC) eligibility?

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 is a CDC recipient.
- (2) On April 17, 2009, the Department terminated the Claimant's CDC benefits effective March 28, 2009.

(3) The Department received the Claimant's request for a hearing on May 22, 2010, protesting the termination of her CDC benefits.

(4) The hearing record contains evidence consisting of the following documents: Hearing Summary, Notice of Case Action dated 4/17/09, Claimant's request for a hearing, Relative Care Provider Application, handwritten note from the Claimant to her caseworker.

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 found in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM), Reference Table Manual (RFT), and the Bridges Reference Manual (BRM).

The Claimant was receiving CDC benefits. On April 17, 2009, the Department notified the Claimant that it was terminating her CDC benefits effective March 28, 2010.

On May 29, 2009, a Hearing Summary was prepared in response to the Claimant's request for a hearing. This summary indicates that benefits could not be issued because information necessary to conduct a background check of the Claimant's childcare provider was not submitted.

On June 22, 2010, the Department's caseworker testified that the Claimant's CDC benefits were terminated on May 10, 2010, due to excess income. The Hearing Summary contradicts the testimony during the hearing. The Department testified that it had verified the

Claimant's income by electronic means. The Claimant disputed the Department's assessment of her earned income. The Department did not offer any documents into evidence supporting its testimony concerning the Claimant's income.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the Department failed to meet its burden of proof that it acted in accordance with policy when it terminated the Claimant's CDC benefits.

Accordingly, the Department's CDC eligibility determination is REVERSED. It is further ORDERED that the Department shall:

1. Initiate a determination of the Claimant's eligibility for CDC benefits as of March 28, 2009.
2. Issue the Claimant any retroactive benefits she may be eligible to receive, if any.
3. Notify the Claimant in writing of the Department's revised eligibility determination.

/s/ _____
Kevin Scully
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: July 21, 2010

Date Mailed: July 22, 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 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.

KS/vc

cc:

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