

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.: 2009-31390
Issue No: 6000
Case No.: [REDACTED]
Load No.: [REDACTED]
Hearing Date:
September 2, 2009
Oakland County DHS (4)

ADMINISTRATIVE LAW JUDGE: Colleen Lack

HEARING DECISION

This matter is before the undersigned Administrative Law Judge upon pursuant to MCL 400. 9; MCL 400.37 upon claimant's request for a hearing. After due notice a telephone hearing was held on September 2, 2009. Claimant appeared and testified. Claimant was represented by [REDACTED], [REDACTED], [REDACTED], claimant's mother, also appeared and testified. [REDACTED], FIS case manager, appeared on behalf of the department.

ISSUE

Did the Department properly determine eligibility for Child Development and Care Program (CDC) benefits?

FINDINGS OF FACT

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

1. Claimant was an ongoing recipient of CDC benefits.
2. Claimant's employment ended in February 2009.

3. The department stopped the CDC payments in February 2009 because the employment ended but the CDC case remained open.
4. Claimant began participating in the JET program in March 2009.
5. Claimant's child care provider did not bill for CDC payments when the child care services started again March 23, 2009 because claimant and the child care provider did not understand that JET participation was an approved activity for CDC benefits.
6. Claimant's CDC case closed on May 4, 2009 because there had been no billing for more than 30 days.
7. Claimant filed a new CDC application in May 2009.
8. On June 29, 2009, claimant filed a hearing request to contest the closure of the CDC benefits.
9. At the hearing the Department agreed to re-open the CDC case retroactive to the closure date of May 4, 2009 to allow for billing for CDC benefits back to March 23, 2009.
10. As a result of this agreement, claimant indicated that she no longer wished to proceed with the 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 (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).

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 claimant is contesting the processing of her CDC benefits. At the hearing, the department to re-open the CDC case retroactive to the May 4, 2009 closure date to allow for billing back to March 23, 2009. As a result of this agreement, claimant indicated she no longer wished to proceed with the hearing. Since the claimant and the department have come to an agreement it is unnecessary for this Administrative Law Judge to make a decision regarding the facts and issues in this case.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the department and claimant have come to a settlement regarding claimant's request for a hearing. Therefore it is ORDERED that the department re-open the CDC case retroactive to the May 4, 2009 closure date to allow for billing back to March 23, 2009 and award benefits, in accordance with this settlement agreement.

/s/
Colleen Lack
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: 09/03/09

Date Mailed: 09/03/09

NOTICE: The law provides that within 30 days of receipt of the above Decision and Order the claimant may appeal it to the circuit court for the county in which he/she lives. Administrative Hearings, on its own motion, or on request of a party within 30 days of the receipt of this Decision and Order, may order a rehearing.

Administrative Hearings will not order a rehearing on the agency's motion where the final decision or rehearing cannot be implemented within 90 days of the filing of the original hearing request.

CL/jlg

cc:

