

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.: 2009-34615

Issue No.: 6019

Case No.: [REDACTED]

Load No.: [REDACTED]

Hearing Date:

October 15, 2009

Macomb County DHS (20)

ADMINISTRATIVE LAW JUDGE: Aaron McClintic

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 October 15, 2009 claimant was present and testified, [REDACTED] Case Manager appeared for the department and testified.

ISSUE

Is the department correct in denying claimant's 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's child day care closed November 19, 2009 for no current need when she went on maternity leave.
- (2) Claimant reapplied for CDC in January 2009.
- (3) A verification checklist was sent to claimant on April 13, 2009 with an April 23, 2009 due date. A verification of employment income was sent to claimant with the checklist.

- (4) On April 22, 2009 claimant submitted a verification of employment.
- (5) Claimant testified that she submitted pay stubs in March 2009.
- (6) At hearing claimant submitted pay stubs going back to March 2009.
- (7) Claimant requested a hearing on April 2, 2009 and again on June 10, 2009 contesting the denial of CDC benefits.
- (8) Claimant had requested hearing regarding FAP and FIP but abandoned those appeals because she was satisfied with the action taken by the department.

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). PEM 703 states under Tools to Verify Need Based on Employment Use: one of the following as tools to verify the **need** for CDC based on **employment**: Pay stubs indicating number of work hours. PEM 703 pg. 11.

In the present case, claimant submitted pay stubs at hearing beginning with stubs dated March 1, 2009. Department policy specifically states that pay stubs that indicate the number of hours are adequate verification of need. PEM 703 pg. 15. The department's denial for lack of employment verification is improper. Claimant's child day care benefit shall be reinstated and reprocessed going back to March 1, 2009.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law decides that the department was incorrect in the denial of CDC benefits, and it is ORDERED that the Department's decision in this regard be and is hereby REVERSED and claimant's CDC benefits shall be reinstated and reprocessed.



Aaron McClintic
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: 11/02/09

Date Mailed: 11/02/09

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.

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