

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: 2009-35257
Issue No: 6019
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
July 9, 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 7/20/2009. After due notice, a telephone hearing was held on Thursday, July 8, 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 applied for CDC benefits on May 4, 2009. Department Exhibit 1.
- (2) The Department completed a CDC budget on July 13, 2009, and determined that the Claimant was not eligible for CDC benefits due to excess income. Department Exhibit 9.

(3) The Department received the Claimant's request for a hearing on July 20, 2009, protesting the denial of his application for CDC benefits.

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).

On May 6, 2009, the Claimant applied for CDC benefits. On July 13, 2009, the Department completed a CDC budget and determined that the Claimant was not eligible for CDC benefits due to excess income.

On July 8, 2010, an administrative hearing was conducted to review the Claimant's eligibility for CDC benefits. The Department's representative did not have a copy of the Department's exhibits during the hearing. The Department's representative failed to explain how the Claimant's income was determined, which was the basis for determining eligibility for CDC benefits.

Based on the testimony and evidence available at the hearing, I find that the Department failed to establish that the Claimant was not eligible for CDC benefits due to excess 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 establish that the Claimant was not eligible for CDC benefits due to excess income.

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 May 6, 2009.
2. Issue the Claimant any retroactive benefits he 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 30, 2010

Date Mailed: July 30, 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.

2009-35857/KS

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:

