

STATE OF MICHIGAN
STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES
ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF:

[REDACTED]

Reg. No.: 201015951
Issue No.: 6019
Case No.: [REDACTED]
Load No.: [REDACTED]
Hearing Date: September 29, 2010
Wayne County DHS

ADMINISTRATIVE LAW JUDGE: Aaron McClintic

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37 upon the Claimant's request for a hearing. After due notice, a telephone hearing was held on September 29, 2010. The Claimant appeared and testified. [REDACTED] appeared on behalf of the Department.

ISSUE

Was the Department correct in determining Claimant's CDC benefit?

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 applied for CDC benefits on July 22, 2009.
- (2) No proof of denial was submitted by the Department at hearing.
- (3) Claimant was working for [REDACTED] and [REDACTED] between July 2009 and December 2009.
- (4) Claimant's children received child day care between July 2009 and December 2009.
- (5) Claimant requested a hearing on December 14, 2009 contesting the determination of 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 (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 Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Program Reference Manual (PRM).

In the present case, Claimant's was working for [REDACTED] and [REDACTED] between July and December 2009. Claimant's children were in day care. Claimant meets the criteria for Child Day Care Assistance. BEM 703. Additionally, no proof of a denial was submitted by the Department at hearing. The hearing summary prepared by the worker states that CDC would be processed but that never happened. The worker at the time has since retired and did not appear at hearing.

This Administrative Law Judge finds that the Department's processing of Claimant's CDC application was improper an incorrect.

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 processing of Claimant's CDC application, and it is ORDERED that the Department's decision is hereby REVERSED. Claimant's CDC application shall be reinstated and reprocessed for July through December 2009.

/s/ 

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

Date Signed: October 4, 2010

Date Mailed: October 4, 2010

201015951/AM

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 mailing 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.

AM/hw

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