

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: 201016264

Issue No: 6027

Case No: [REDACTED]

Load No: [REDACTED]

Hearing Date:

June 2, 2010

Wayne County DHS

ADMINISTRATIVE LAW JUDGE: Robert J. Chavez

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37 upon claimant's request for a hearing. After due notice, a hearing was held on June 2, 2010.

ISSUE

Did the Department of Human Services (DHS) process claimant's CDC application?

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 in Wayne County on October 20, 2008.
- (2) This application was denied.
- (3) There is no record of when the application was denied.
- (4) There is no record of why the application was denied.
- (5) Claimant did not receive a notice of case action for this denial.
- (6) Claimant began requesting hearings sometime after this denial.

- (7) By August 24, 2009, claimant had submitted 5 requests for hearings.
- (8) In her August 24, 2009 request for hearing, claimant mentioned that she had applied for CDC assistance and needed CDC assistance.
- (9) As of the date of the hearing, no CDC application has been processed.
- (10) On June 2, 2010, a hearing was held with regard to the CDC application in question.
- (11) While there were records that claimant had applied for CDC, due to the Bridges conversion, the Department was unable to present any evidence at the hearing as to when this application was submitted, or why this application was denied.
- (12) The Department attempted to submit evidence two days after the close of the hearing record.
- (13) This evidence was not submitted timely, was not submitted according to the rules of evidence, and was not given to the claimant, and claimant was not given a chance to respond to the evidence; therefore this evidence was not considered or examined by the Administrative Law Judge.

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 Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Bridges Reference Manual (BRM).

After a review of the documents submitted as evidence, the undersigned concludes that the Department has been unable to show that any action they took in this case was the correct action.

Claimant testified that she applied for CDC benefits on October 20, 2008. Claimant submitted at least two requests for hearing in the year 2009; one of these requests makes reference to four other prior requests for hearing that were apparently never acted upon. These hearing requests themselves were not acted upon for several months. Claimant's hearing request of August 24, 2009, appeared to only be acted upon because claimant resubmitted the request in October 2009. Both of the requests refer to a CDC application filed in October 2008.

As part of their evidence packet, the Department submitted an eligibility summary that shows that claimant applied for, and was denied, CDC benefits. Unfortunately, due to the Bridges conversion, this eligibility summary does not show the date of this CDC application, nor does it show the reasons for the denial. However, the eligibility summary does show incontrovertibly that claimant applied for CDC benefits sometime before the Bridges conversion, which occurred in August 2009. The Department was unable to show that the CDC application referred to in the eligibility summary was not the October 20, 2008 application that claimant testified to and referred to in her hearing requests.

As the Department was unable to provide any evidence as to the date of this application, the undersigned holds that this application is the October 20, 2008 application referred to by the claimant. Furthermore, as claimant had applied for at

least two hearings in 2009, neither of which were acted upon until December 2009, the undersigned holds that the claimant's testimony that she had requested 4 other hearings is credible, and therefore holds that the claimant's hearing request for the denial of her October 2008 CDC application is timely.

Therefore, all that remains is a determination as to whether the Department properly denied claimant's October 20, 2008 CDC application. Unfortunately, the Department was not able to submit any evidence as to whether this application was properly denied, or even why the application was denied; nor was it able to testify as to these facts. Therefore, as no evidence has been submitted by the Department, the undersigned must hold that the Department has failed to show that the application was properly denied. Therefore, the application in question must be reprocessed.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the Department has not presented evidence of a proper denial of CDC benefits.

Accordingly, the Department's decision in the above stated matter is, hereby, REVERSED.

The Department is ORDERED to reprocess claimant's CDC application of October 20, 2008.



Robert J. Chavez
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: 09/21/10

Date Mailed: 09/22/10

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.

RJC/dj

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