

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.: 2010-18825
Issue No.: 6021
Case No.: [REDACTED]
Load No.: [REDACTED]
Hearing Date:
May 19, 2010
Macomb County DHS (20)

ADMINISTRATIVE LAW JUDGE: Christian Gardocki

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 conducted from Detroit, Michigan on May 19, 2010. Claimant appeared and testified. On behalf of Department of Human Services (DHS), [REDACTED], Specialist, appeared and testified.

ISSUE

Whether Claimant is entitled to reissuance of a Child Development and Care (CDC) payment that was returned to the Michigan Treasury.

FINDINGS OF FACT

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

1. In 2009, Claimant was an ongoing CDC recipient.
2. Claimant's CDC provider was her mother, [REDACTED].
3. Claimant's mother failed to receive a \$446.02 CDC payment dated 6/3/09.

4. Claimant reported to DHS that the CDC payment was not received.
5. DHS investigated the 6/3/09 CDC payment and discovered that the payment was returned to the Michigan Treasury.
6. On 12/9/09 and per instructions of DHS, Claimant's CDC provider completed an affidavit to have the 6/3/09 CDC payment reissued.
7. DHS has not yet reissued the CDC payment.
8. Claimant submitted a hearing request on 11/17/09 regarding the failure by DHS to process Claimant's request to reissue the 6/3/09 CDC payment.

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 found in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Reference Tables Manual (RFT).

Claimant's hearing request indicated she was disputing a CDC issue but did not specifically identify the issue. Based on Claimant's hearing request, DHS had minimal notice as to what Claimant was disputing.

At the hearing, Claimant indicated her only current issue was the failure of DHS to reissue a CDC payment not received by Claimant's CDC provider. Claimant also stated the payment was returned to the Michigan Treasury due to an undeliverable address. Claimant was

not able to identify the specific date of the CDC payment but provided enough information for DHS to identify the payment at issue. The undersigned provided multiple breaks during the hearing for DHS to provide information about the payment but DHS failed to provide any useful information. After approximately two hours without progress on discovering the status of the allegedly unpaid CDC warrant, the undersigned gave DHS and Claimant twelve additional days to submit documentation supporting their claim. DHS failed to submit any documents by the 6/1/10 deadline.

Claimant successfully provided evidence prior to the 6/1/10 deadline. Claimant submitted an Affidavit Claiming Lost, Destroyed, Not Received, or Stolen State Treasurer's Warrant completed by her former CDC provider, [REDACTED]. This document identified the disputed CDC payment as dated 6/3/09 for \$446.02. The document was signed and notarized by [REDACTED] on 12/9/09. Claimant testified that DHS required submission of this document in order to reissue the returned CDC payment. Claimant further testified that the CDC payment has not been reissued. The affidavit which is signed by a DHS worker and supervisor tends to support Claimant's statement that the document was submitted to DHS.

Eventually, DHS submitted a "View Warrant Payment Summary" showing that the warrant in question has a current status of "returned". DHS policy describes "returned" warrants as those that were undeliverable and should be reissued to the provider. When CDC payments are returned to Michigan Treasury, a Services Warrant Rewrite/Disposition Request (DHS-2362C) is automatically generated and sent to the local DHS fiscal office; the local fiscal office then forwards the first two copies of the form to the DHS specialist for completion. BAM 505 at 8. The specialist then has ten days to request either cancellation or reissuance of the warrant *Id.* Based on the lack of evidence provided by DHS, it can only be found that DHS failed to follow

any of these procedures. It is also found that Claimant established that the 6/3/09 payment should be reissued and that DHS has far exceeded their timelines for reissuing the warrant.

DECISION AND ORDER

The actions taken by DHS are REVERSED. The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that DHS failed to timely reissue the 4/6/09 CDC payment returned to Michigan Treasury for being undeliverable. It is ORDERED that DHS shall within ten days process the documents necessary to reissue the 6/3/09 CDC payment for \$446.02.

Christian Gardocki

Christian Gardocki
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: 6/16/2010

Date Mailed: 6/16/2010

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.

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.

CG/jlg

cc:

[REDACTED]