

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

IN THE MATTER OF:



Reg. No.: 2010211
Issue No.: 6022
Case No.: [REDACTED]
Load No.: [REDACTED]
Hearing Date: September 1, 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 1, 2010. The Claimant appeared and testified. [REDACTED], FIM and [REDACTED], FIS 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 February 19, 2009.
- (2) Claimant applied for CDC benefits on May 28, 2009.
- (3) Claimant applied for CDC benefits in August 2009.
- (4) Claimant was approved for CDC benefits in August 2009.
- (5) Claimant's February 19, 2009 application and May 28, 2009 applications were never processed.

- (6) The Department testified at hearing that they were willing to reinstate and reprocess Claimant's May 28, 2009 application but had no record of Claimant's February 19, 2009 application.
- (7) The Department lost Claimant's February 19, 2009 application, it was never processed.
- (8) Claimant requested a hearing on August 11, 2009 contesting the failure to process her applications 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 (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).

Department policy dictates the standard of promptness for processing applications: FIP, SDA, RAP, CDC, MA and AMP Only--Certify program approval or denial of the application within 45 days. Bridges automatically generates the client notice and if applicable, the CDC provider notice. BAM 115.

In the present case, Claimant credibly testified that she filed an application for Child Day Care assistance on February 19, 2009. The worker who she submitted the application to was on Medical Leave during the period in question and was not available to testify at hearing. It appears that the Department lost the February 19, 2009 application. The only records in the administrative hearing file were the hearing summary and the hearing request.

This Administrative Law Judge finds that Department failed to process Claimant's February 19, 2009 application for Child Day Care assistance within the standard of promptness. BAM 115.

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 re-registered, reinstated and reprocessed back to

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February 19, 2009. Any missed benefits shall be paid to Claimant in the form of a supplement.

/s/



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

Date Signed: September 14, 2010

Date Mailed: September 14, 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 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.

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