

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: 2010-24301
Issue No: 6021
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
April 27, 2010
Kent County DHS

ADMINISTRATIVE LAW JUDGE: Janice G. Spodarek

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, an in-person hearing was held on April 27, 2010, in Kent County DHS in Grand Rapids, Michigan.

ISSUE

Did the DHS properly propose to recoup a CDC overissuance for the period of November 8, 2009 to January 16, 2010?

FINDINGS OF FACT

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

(1) Prior to the proposed negative action hearing, claimant was a CDC recipient for approximately 60 hours of employment and 30 hours of school. Claimant was both a student and an employed worker.

(2) Claimant had previously been employed but her position was eliminated in October 2009 which company documents indicate was unavoidable. There was no issue regarding improper separation from employment.

(3) Following claimant's separation from employment, claimant continued her studies.

(4) Claimant was enrolled in her studies in the [REDACTED]. That is part of claimant's degree requirements, claimant was required to participate in service hours through preapproved activities by the college with the [REDACTED]. While participating in these volunteer hours, claimant needed child day care. Claimant notified the department.

(5) The department continued to pay claimant's CDC.

(6) The department subsequently reviewed claimant's case and determined that claimant's [REDACTED] volunteer requirements as a student were not eligible for CDC payments.

(7) DHS issued notice on January 27, 2010 for agency error recoupment, due to an overissuance of \$1,122.

(9) On February 28, 2010, claimant filed a timely hearing request.

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 Program Administrative Manual (PAM), the Program Eligibility Manual (PEM) and the Program Reference Manual (PRM).

Applicable policy and procedure to the case herein is found in BEM Item 700 to 703.

In this case, claimant credibly testified that the [REDACTED] for which she was enrolled as an honor student has certain requirements for honor students in the [REDACTED]. As noted in the Findings of Facts, in order for claimant to graduate with honors in the [REDACTED], claimant needs to have a certain number of service hours through the [REDACTED]. Claimant was evidently approved CDC while she was both employed and a student. However, subsequent to separating from her job, claimant picked up the service hours necessary required for her degree. Claimant informed the department of the change but the department continued to pay CDC. The department subsequently decided claimant's service hours would not allow her CDC coverage.

After careful review of the substantial and credible evidence on the whole record, this ALJ finds that claimant's [REDACTED] requirements for her degree meet the CDC requirements for school and thus, the department's actions are reversed.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that claimant's activities qualify claimant for CDC payment for school-related

activities and thus, there was no overissuance of claimant for the period of November 8, 2009 to January 16, 2010. It is SO ORDERED.

/s/

Janice G. Spodarek
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 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.

JGS/tg

cc:

