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

IN THE MATTER OF:

████████████████

Reg. No.:	201027612
Issue No.:	6000
Case No.:	████████
Load No.:	
Hearing Date:	October 7, 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 October 7, 2010. The Claimant appeared and testified. ███████████ FIM appeared on behalf of the Department.

ISSUE

Was the Department correct in determining Claimant's Child Day Care benefits?

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 was approved for CDC benefits for 3 of her children.

(2)   Claimant only received CDC benefits for 1 of her children between August 2009 and November 2009.

(3)   The parties reached an agreement whereby the Department agreed to pay CDC benefits to Claimant's child care provider, ███████, for ████████ and ████████████ for child care provided between August 2009 and November 2009.

(4)   Claimant requested hearing on November 20, 2009 contesting the determination of CDC benefits.

1

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).

Under Bridges Administrative Manual Item 600, clients have the right to contest any agency decision affecting eligibility or benefit levels whenever they believe the decision is illegal. The agency provides an Administrative Hearing to review the decision and determine if it is appropriate. Agency policy includes procedures to meet the minimal requirements for a fair hearing. Efforts to clarify and resolve the client's concerns start when the agency receives a hearing request and continues through the day of the hearing.

In the present case, the parties reached an agreement whereby the Department agreed to pay CDC benefits to Claimant's child care provider, ██████████, for ██████████ and ██████████████ for child care provided between August 2009 and November 2009. Since the Claimant and the Department have come to an agreement it is unnecessary for this Administrative Law Judge to make a decision regarding the facts and issues in this case.

DECISION AND ORDER

The Department and Claimant have come to a settlement regarding Claimant's request for a hearing. Therefore it is ORDERED that the Department pay CDC benefits to Claimant's child care provider, Rita Jones, for Jadon Burroughs and Dmarion Burroughs for child care provided between August 2009 and November 2009, in accordance with this settlement agreement.

/s/

Aaron McClintic

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

201027612/AM

Date Signed: <u>October 13, 2010</u>

Date Mailed: <u>October 13, 2010</u>

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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3