

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.: 201036229
Issue No.: 6022
Case No.: [REDACTED]
Load No.: [REDACTED]
Hearing Date: July 21, 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 July 21, 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 was an ongoing recipient of CDC benefits.
- (2) Claimant's CDC benefits closed in December 2009.
- (3) Claimant's circumstances did not change in December 2009.
- (4) The Department, at hearing, provided no explanation or proof of notice with regard to the CDC closure.
- (5) Claimant requested a hearing on March 4, 2010 contesting the determination of 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).


Timely notice is given for a negative action unless policy specifies adequate notice or no notice. A timely notice is mailed at least 11 days before the intended negative action takes effect. The action is pended to provide the client a chance to react to the proposed action. BAM 220.

In the present case, Claimant's CDC benefits closed in December 2009. The Claimant credibly testified that her circumstances did not change in December 2009. The Department provided no explanation with regard to the CDC closure. The Department also failed to provide proof of notice for the CDC closure as required by policy. BAM 220.

This Administrative Law Judge finds that the CDC closure was unwarranted and improper.

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 closure of Claimant's CDC benefits, and it is ORDERED that the Department's decision is hereby REVERSED. Claimant's CDC benefits shall be reinstated and reprocessed as of the date of closure. 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

201036229/AM

Date Signed: July 29, 2010

Date Mailed: July 29, 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.

AM/hw

cc:

[REDACTED]