

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

IN THE MATTER OF:

[REDACTED]
[REDACTED]
[REDACTED] 301

Reg. No.: 2010-39073
Issue No.: 6004
Case No.: [REDACTED]
Load No.: [REDACTED]
Hearing Date: October 14, 2010
DHS County: Wayne

ADMINISTRATIVE LAW JUDGE: Rhonda Craig

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37 upon Petitioners' request for a hearing. After due notice, a telephone hearing was held on October 14, 2010. Petitioners appeared and testified.

ISSUE

Did the Department of Human Services (DHS or department) properly deny Petitioners' request for payment of residential treatment for the adopted child?

FINDINGS OF FACT

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

1. Petitioners adopted a child (date of birth [REDACTED]) on [REDACTED].
2. The child was certified (approved) for an Adoption Support Subsidy and a Medical Subsidy on April 27, 2006.
3. Petitioners' child was in a residential treatment facility and requested payment for the care.
4. The department denied the request.
5. Petitioners requested a hearing contesting the denial of payment.
6. Prior to the hearing, the department agreed to pay for the residential treatment and had made the payments.

7. At the hearing, Petitioners indicated that they were satisfied with payments made by the department for the residential care.

CONCLUSIONS OF LAW

The Adoption Subsidy program is established by MCL 400.115, *et seq.*, and is administered by DHS (formerly known as the Family Independence Agency) pursuant to MCL 400.10, *et seq.* DHS policies regarding adoption subsidy are found in the Services Manual (SM). The federal law upon which Michigan law is based is Title IV-E of the Social Security Act, Section 473(c).

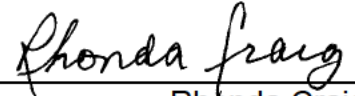
The regulations governing hearings and appeals for applicants and recipients of public assistance in Michigan are found in the Michigan Administrative Code. MAC R 400.901-.951. MAC R 400.903 reads, in part:

An opportunity for a hearing shall be granted to an applicant who requests a hearing because his claim for assistance is denied or is not acted upon with reasonable promptness, and to any recipient who is aggrieved by a department action resulting in suspension, reduction, discontinuance, or termination of assistance.

In the present case, Petitioners filed a request for hearing to contest the department's failure to pay for residential treatment for their adopted child. The department has since agreed to make the payments and has already done so. Petitioners have testified that the department has since provided the benefits requested. Petitioner further claims that the department has not made other payments not relating to the residential care. Petitioners are free to request a hearing regarding those matters, but they are not the subject of this hearing which concerns only the payment for the residential care. There being no dispute with regard to this hearing request, this hearing is dismissed pursuant to MAC R 400.903(1). PAM 600.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law dismisses the hearing request.



Rhonda Craig
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: October 18, 2010

Date Mailed: October 18, 2010

NOTICE: The law provides that within 60 days of mailing of the above Decision and Order the claimant may appeal the Decision to the probate court for the county in which the petition for adoption was filed. If the adoptee is a resident of the State, the petition may be filed in the probate court for the county in which the adoptee is found. Administrative Hearings, on its own motion, or on request of a party within 60 days of the mailing date of this Decision and Order, may order a rehearing.

RC/pf

cc:

