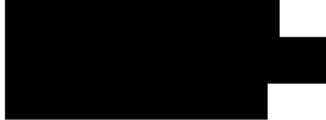


STATE OF MICHIGAN
STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES
ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF:



Reg. No.: 2010-46269
Issue No.: 6022
Case No.: [REDACTED]
Load No.: [REDACTED]
Hearing Date: November 1, 2010
Wayne County DHS (19)

ADMINISTRATIVE LAW JUDGE: Michael J. Bennane

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 November 1, 2010. The claimant appeared and testified.

ISSUE

Did the Department properly compute the amount of the Claimant's Child Development and Care, (CDC) 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. On May 14, 2009, the Claimant applied for CDC.
2. On October 18, 2009, the Department began the CDC.
3. On October 17, 2009, the Claimant filed a request for a hearing.

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

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400.5001-5015. Department policies are contained in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Bridges Reference Manual (BRM).

In the instant case, the Department cites the correct BAM and section of policy but does not follow same.

CDC Eligibility Effective Date

CDC

The first day of care that may be authorized is the eligibility effective date. The eligibility effective date is the latest of the following:

- The CDC application receipt date; or
- The date the child care need begins; or
- 21 days prior to the CDC application receipt date for foster care groups only. (BAM 115, p. 18)

Evidence shows that the Department did not begin CDC coverage with the filing of the application as required by the above policy. There is conflicting information but the department submitted documentation showing that the claimant applied on the earlier date of May 14, 2009.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, REVERSES and ORDERS the Department to replace any CDC benefits back to the date of application; May 14, 2009.



Michael J. Bennane
Administrative Law Judge
For Ismael Ahmed, Director
Department of Human Services

Date Signed: 11/17/2010

Date Mailed: 11/22/2010

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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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