

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

IN THE MATTER OF:



Reg. No.: 201048658
Issue No.: 6019
Case No.: [REDACTED]
Load No.: [REDACTED]
Hearing Date: November 15, 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 November 15, 2010. The Claimant appeared and testified. [REDACTED], ES 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 applied for CDC benefits on March 13, 2010.
- (2) Notice of case action was sent to Claimant on April 28, 2010 informing her that her application was denied. The denial failed to state with adequate specificity the basis for the denial.
- (3) Claimant did not receive notice of the denial.
- (4) Claimant requested a hearing on June 17, 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).

A notice of case action must specify the following: • The action(s) being taken by the department. • The reason(s) for the action. • The specific manual item which cites the legal base for an action or the regulation or law itself. • An explanation of the right to request a hearing. • The conditions under which benefits are continued if a hearing is requested. (BAM 220).

In the present case, Claimant applied for Child Day Care on March 13, 2010, with her mother as the provider. Claimant credibly testified that she submitted the application in person and followed up several times, by telephone, regarding the status of the application. Claimant further credibly testified that the application had the requisite information regarding her provider, who was her mother. The Department provided a notice of case action showing the application was denied on April 28, 2010. Claimant credibly testified that she did not receive a copy of the denial. The notice of case action failed to state with specificity the reason for the denial, contrary to Department policy. (BAM 220).

This Administrative Law Judge finds that the Department's denial of Claimant's CDC application was improper and incorrect.

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 denial of Claimant's CDC application, and it is ORDERED that the Department's decision is hereby REVERSED. Claimant's CDC application shall be reinstated and reprocessed for March 13, 2010 through May 17, 2010.



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

201048658/AM

Date Signed: November 18, 2010

Date Mailed: November 18, 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

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