

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

IN THE MATTER OF: [REDACTED]

Claimant

Reg. No: 2010-49522
Issue No: 6015
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
September 21, 2010
Kalamazoo County DHS

ADMINISTRATIVE LAW JUDGE: Gary F. Heisler

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9; and MCL 400.37 upon claimant's request for a hearing. After due notice, a hearing was held on September 21, 2010. Claimant appeared and testified.

ISSUE

Did the Department of Human Services properly deny Claimant's application for Child Development and Care (CDC)?

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 January 19, 2010, Claimant began employment at [REDACTED]
- (2) On April 27, 2010, Claimant submitted an application for Child Development and Care (CDC) benefits. Claimant listed her employment at Video Hits as the need reason for CDC benefits.
- (3) On June 4, 2010, Claimant called her case worker and reported her employment at Video Hits had ended and she was beginning employment through On Staff USA, a temporary placement agency.

- (4) On June 5, 2010, the case worker sent Claimant a Verification Checklist (DHS Form 3503) and Verification of Employment (DHS Form 38) which were due back on June 15, 2010.
- (5) On June 22, 2010, the Department received a form letter from On Staff USA which stated that as of December 1, 2009 they no longer fill out Verification of Employment (DHS Form 38) but employment information is available on line to their employees.
- (6) On June 24, 2010, Claimant's Child Development and Care (CDC) application was denied for failure to provide information needed to determine eligibility.
- (7) On July 1, 2010, Claimant submitted a request for 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 (DHS or department) provides services to adults and children pursuant to MC L 400.14(1) and M AC 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).

Claimant's case worker was not present at the hearing. Claimant testified that she had turned in employment information about [REDACTED]. The Department representative at the hearing reported that Claimant's file did contain a Verification of Employment (DHS Form 38) from [REDACTED] which had been used for the Food Assistance Program (FAP). Claimant also testified that she dropped the Verification of Employment (DHS Form 38) of June 5, 2010 off with a receptionist at [REDACTED] and was told it would be filled out and sent in and was never told she had to access the employment information.

At the least, the evidence shows that the Department had possession of employment verification necessary to process the CDC application when it was received on April 27, 2010.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides the Department of Human Services DID NOT properly deny Claimant's application for Child Development and Care (CDC).

It is ORDERED that the actions of the Department of Human Services, in this matter, are REVERSED.

It is further ORDERED that Claimant's April 27, 2010, CDC application be reinstated and processed to include notice of the eligibility determination. Any benefits Claimant was otherwise eligible for shall be supplemented.

/s/

Gary F. Heisler
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: September 28, 2010

Date Mailed: September 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.

GFH/alc

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