

STATE OF MICHIGAN
MICHIGAN ADMINISTRATIVE HEARING SYSTEM
ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF:

[REDACTED]

Reg. No: 201052889
Issue No: 6027
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
December 12, 2010
Wayne County DHS

ADMINISTRATIVE LAW JUDGE: Robert J. Chavez

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 December 2, 2010.

ISSUE

Did the Department process claimant's CDC application?

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 in June, 2010.
- (2) This application was given to the Department.
- (3) The application in question was never processed.
- (4) Claimant re-applied for CDC on August 26, 2010.
- (5) Claimant requested a hearing on August 26, 2010, regarding the failure to process the June, 2010, application.

- (6) A hearing was held on December 2, 2010.
- (7) At the hearing, the Department was instructed to produce the sign-in logs for the time period claimant alleges to have turned in the application in question.
- (8) The Department never produced the sign-in logs.

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 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 Bridges Reference Manual (BRM).

Claimant alleges to have applied for CDC in June 2010. Claimant argued that proof of this application would be contained in the sign-in logs in the possession of the Department. The Department was instructed to produce the logs, but as of the date of this writing, no such logs have been produced. As these logs are Department property, and therefore, presumably in the possession of the Department, the undersigned will assume that the logs in question would verify claimant's testimony. Furthermore, as the Department was aware that claimant was in JET classes during the month of June, the Department was aware that a need for CDC existed. Therefore, the undersigned holds that claimant did apply for CDC benefits in June, 2010.

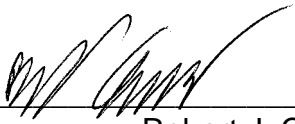
Claimants have the right to have all applications processed. BAM 105, 115. As the undersigned holds that the Department did not process claimant's June, 2010 CDC application, the Department must therefore process this application.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the Department was incorrect when it failed to process claimant's June, 2010 CDC application.

Accordingly, the Department's decision in the above stated matter is, hereby, REVERSED.

The Department is ORDERED to process the application in question.



Robert J. Chavez
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: 06/15/11

Date Mailed: 06/16/11

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.

RJC/dj

cc:

