

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

IN THE MATTER OF:

[REDACTED]

Reg. No: 201053707
Issue No: 6019
Case No: [REDACTED]
Hearing Date: November 3, 2010
Kalamazoo County DHS

ADMINISTRATIVE LAW JUDGE: Janice G. Spodarek

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 telephone hearing was held on November 3, 2010.

ISSUE

Did the DHS properly process claimant's CDC application of April 29, 2010?

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 April 29, 2010, claimant applied for CDC for her granddaughter with whom she had guardianship.
2. At the time of claimant's application, another CDC was open for the same child with that child's mother in a different household.
3. The DHS has up to 15 days to act on an application.
4. The DHS had to close the corresponding open case prior to opening the case on behalf of claimant. The department issued notice of closure on the mother's case. The mother's case closed May 19, 2010.
5. On May 23, 2010, the DHS opened claimant's case on behalf of claimant.

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).

Applicable policy and procedure is found in BAM Item 220; BEM Item 702, 703, and 704.

Under the above-cited authority, the department is not allowed to have two correspondent open cases for CDC on behalf of the same child. In this case, at the time of claimant's application, the department had an open case by the child's mother. While there is no evidence that there was any duplicate of benefits, and while there was no evidence that the mother actually had the child in her custody, policy does not permit two cases to be open simultaneously. In conformance with its policy, the department was required to issue a case closure notice to the mother of the child to close that case prior to opening the case on behalf of claimant.

Claimant argues that the department should have immediately and more quickly acted on her behalf as she had guardianship papers establishing guardianship over the dependent child.

The purview of an Administrative Law Judge is to review the department's actions and to make a determination if those actions were correct under policy and procedure at the time the department took its action. This Administrative Law Judge has reviewed the department policy and the actions in this case. Under the department policy, the department has the right to take up to 15 days to act on a case. Moreover, the department is required to close a case prior to opening another for CDC benefits. While the department could have acted sooner on behalf of claimant, there is no requirement in policy requiring the department to act sooner than it did. Claimant did not offer any authority which would require the department to act more quickly than it did in this matter. Under the jurisdiction of the Administrative Law Judge, as the actions were correct and consistent with its policy and procedure, this Administrative Law Judge must uphold the department's processing of claimant's April 29, 2010 CDC application as having opened it on May 23, 2010.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the department's actions were correct

Accordingly, the department's actions are UHELD.

/S/

Janice G. Spodarek
Administrative Law Judge
for Maura D. Corrigan, Director
Department of Human Services

Date Signed: May 23, 2011

Date Mailed: May 23, 2011

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.

JGS/db

cc:

