

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

IN THE MATTER OF:



Reg. No: 201053890
Issue No: 6021
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
December 16, 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 16, 2010.

ISSUE

Did the claimant receive all CDC assistance to which she was otherwise entitled?

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 was a CDC recipient in Wayne County.
- (2) Claimant's CDC provider was removed as an ineligible provider.
- (3) Claimant's CDC case was never closed.
- (4) Benefits were ceased when there was no eligible provider; benefits were restored when an eligible provider was added.
- (5) Claimant requested a hearing September 3, 2010, alleging that she had not received all CDC benefits for which she was otherwise eligible.

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).

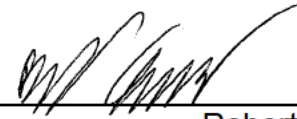
Eligibility for CDC services exists when an eligible provider give care to the children in question. BEM 703. The evidence of record shows that claimant's CDC benefits were never closed; however, claimant's CDC provider did not receive payment for several months because claimant's CDC provider was ruled ineligible. Claimant cannot assert her provider's right to a hearing in her own hearing. BEM 704. Provider eligibility is determined in a hearing requested by the provider himself.

Therefore, as the evidence of record shows that claimant's CDC benefits were never closed, and as the record shows that claimant's provider was deemed ineligible, the undersigned holds that claimant received all payments to which she was entitled.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the claimant received all CDC benefits to which she was otherwise entitled.

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



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:

