

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

IN THE MATTER OF:

[REDACTED]

Reg No: 2010-54209

Issue No: 6019

Case No: [REDACTED]

Hearing Date:

January 10, 2011

Wayne County DHS-18

ADMINISTRATIVE LAW JUDGE: Aaron McClintic

HEARING DECISION

This matter is before the undersigned Administrative Law Judge upon pursuant to MCL 400. 9; MCL 400.37 upon Claimant's request for a hearing. After due notice, a telephone hearing was held on January 10, 2011. The Claimant appeared and testified for the Claimant. Jolene Hunter FIM appeared on behalf of the Department.

ISSUE

Did the Department properly determine Claimant's Child Day Care eligibility?

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 an ongoing recipient of Child Day Care benefits.
2. The Department closed Claimant's CDC benefits in January 2010, due to noncooperation with the office of child support.
3. Claimant was found to be cooperative with the Office of Child Support in February 2010. Claimant's FAP benefits were reinstated back to that date.

4. Claimant's CDC benefit remained closed until July 2010.
5. Claimant requested a hearing on September 1, 2010, regarding her Child Day Care 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).


The AHR or, if none, the client has 90 calendar days from the date of the written notice of case action to request a hearing. The request must be received anywhere in DHS within the 90 days. BAM 600

In the present case, Claimant was an ongoing recipient of Child Day Care assistance. Claimant's case closed in January 2010 due to noncooperation with the Office of Child Support. Claimant was found to be cooperative with the Office of Child Support in February 2010. Claimant's provider was taken out the provider system in May 2010 because she had not completed a required class. No notice was given to Claimant's provider that she was being removed from the provider system.

The Department did not provide sufficient proof at hearing regarding the closure of Claimant's CDC case. This Administrative Law Judge finds the closure of Claimant's CDC case improper and incorrect. This Administrative Law Judge only has jurisdiction to go back three months from the request for hearing. BAM 600 Claimant's CDC case shall be reinstated back to 3 months prior to the request for hearing June 1, 2010.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the Department improperly close Claimant's day care benefits, and it is ORDERED that the Department's decision in this regard be and is hereby REVERSED. Claimant's child day care benefits shall be reinstated and reprocessed back to June 1, 2010. Any missed benefits shall be paid to Claimant in the form of a supplement.



Aaron McClintic
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: 01/28/11

Date Mailed: 02/03/11

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.

AM/dj

cc:

