

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: 2010-8584

Issue No: 6022

[REDACTED]

Hearing Date:

October 20, 2010

Cass 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 October 20, 2010. Claimant appeared and testified.

ISSUE

Did the Department of Human Services over-issue Claimant [REDACTED] of Child Development and Care (CDC) benefits during the period September 27, 2009 to October 10, 2009 which the Department is entitled to recoup?

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 Development and Care (CDC) benefits for her children.
- (2) On approximately September 27, 2009, Claimant changed day care providers.
- (3) On October 26, 2009, the BRIDGES computer program issued an over-issuance notice to Claimant.
- (4) On October 30, 2009, Claimant submitted a request for hearing.

- (5) On September 28, 2010, the State Office of Administrative Hearings and Rules incorrectly scheduled this as a debt collection 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 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).

During the hearing Claimant's Department case worker during the alleged over-issuance period testified that she had investigated the case, found nothing that indicated there was an over-issuance, and did not understand why BRIDGES had issued the notice. The Department presented no evidence to support the alleged over-issuance.

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 over-issue Claimant [REDACTED] of Child Development and Care (CDC) benefits during the period September 27, 2009 to October 10, 2009 which the Department is entitled to recoup.

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

/s/

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

Date Signed: 10/26/2010

Date Mailed: 10/26/2010

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.

[REDACTED]