

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

IN THE MATTER OF:



Reg No: 2010-18670
Issue No: 6021
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
July 8, 2010
Wayne County DHS

ADMINISTRATIVE LAW JUDGE: Jonathan W. Owens

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 July 8, 2010. Claimant appeared and testified.

ISSUE

Did the Department of Human Services (Department) fail to pay all of the Claimant's Child Day Care expenses?

FINDINGS OF FACT

The Administrative Law Judge, based upon the competent, material and substantial evidence on the whole record, finds as a material fact:

1. The Claimant applied for and was approved CDC.
2. The Claimant attempted to submit billing for July 5, 2009 through July 18, 2009. This payment was denied as not authorized.
3. On December 18, 2009, the Claimant filed a hearing request.

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 Program Administrative Manual (PAM), the Program Eligibility Manual (PEM) and the Program Reference Manual (PRM).

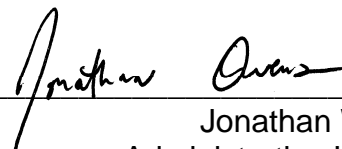
In the present case, the Claimant requested a hearing because she stated her daycare provider payments were not complete. The Department, during the hearing, agreed the Claimant was eligible for CDC benefits for the period in question. The Department presented screen shots from BRIDGES indicating the billing period in question was in fact authorized. The Claimant testified she had attempted on several occasions to obtain payment and has not received payment for the billing period in question. The Department referred the Claimant to the CDC hotline to resolve the payment issue.

However, after considering the length of time that has transpired from the date of eligibility and the inability to date for the Claimant to receive payment, this Administrative Law Judge will require the Department to assist the Claimant in obtaining payment for the billing period in question. The Claimant has demonstrated she attempted to get paid. The Department cannot demonstrate the failure to pay the Claimant is the result of her error and not that of the Department.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the Department was not acting in compliance with Department policy in regards to the CDC payments.

Accordingly, the Department's decision is hereby REVERSED. The Department is ORDERED to assist the Claimant in obtaining the remaining payment she is eligible to receive for CDC.



Jonathan W. Owens
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: 07/28/10

Date Mailed: 07/28/10

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

2010-18670/JWO

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 receipt 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.

JWO/dj

cc:

A large black rectangular redaction box covering several lines of text in the 'cc:' field.