

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.: 2010-27459
Issue No.: 6019
Case No.: [REDACTED]
Load No.: [REDACTED]
Hearing Date: October 7, 2010
DHS County: Wayne (49)

ADMINISTRATIVE LAW JUDGE: Jan Leventer

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to Michigan Compiled Laws (MCL) 400.9 and 400.37 and Claimant's request for a hearing. After due notice, a telephone hearing was held on October 7, 2010. Claimant appeared and testified.

[REDACTED], appeared and testified for the Department of Human Services (DHS).

ISSUE

Whether Claimant is eligible for Child Development and Care (CDC) benefits from February 1-July 8, 2009?

FINDINGS OF FACT

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

1. On July 9, 2009, Claimant applied for CDC benefits.
2. On December 7, 2009, DHS requested verification information from Claimant.
3. On January 6, 2010, DHS, having received no verification information from Claimant, denied Claimant's application.
4. Subsequently, Claimant provided the necessary verification information and benefits were awarded retroactive to July 9, 2009.
5. On January 12, 2010, Claimant filed a hearing request notice with DHS.

CONCLUSIONS OF LAW

CDC was 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. DHS provides services to adults and children pursuant to MCL 400.14(1) and Michigan Administrative Code Rules 400.5001-.5015. DHS policies are contained in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Reference Tables Manual (RFT).

In this case, Claimant testified that she is eligible for CDC benefits from February 1-July 8, 2009, that is, for about a five-month period before the date of Claimant's application on file with DHS. Claimant testified that she applied in January 2009.

In this matter, I find that the applicable legal authority for this decision is BAM 110, "Application Filing and Registration." Page 5 contains the following procedure:

Date of Application

All Programs

Faxed and Paper Applications

The date of application is the date the local office receives the required minimum information on an application or the filing form. BAM 110, p. 5.

Having reviewed all of the testimony and evidence in this case, I find no credible, un rebutted testimony to substantiate Claimant's assertion. Claimant testified that she filed a CDC application in January 2009. However, she also testified that, in January, 2009, she moved and, as a result, was not sure if she had a copy of the January 2009 application. Second, if she filed an application in January 2009, I do not understand why she would wait six months, until July, to file another application when nothing happened in the interim. I find that Claimant has not presented clear and convincing evidence that she filed an application in January 2009. Accordingly, I am not persuaded that she did so, and I decline to make a finding of fact to that effect.

I find and conclude that there is no clear and convincing evidence to establish that Claimant filed for CDC benefits in January 2009. DHS' action in initiating Claimant's benefits effective July 9, 2009, the date of her application, is therefore AFFIRMED. DHS need take no further action in this matter.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that DHS' action was correct. DHS is AFFIRMED. DHS need take no further action in this matter.



Jan Leventer
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: October 7, 2010

Date Mailed: October 10, 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.

JL/pf

cc:

