

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

IN THE MATTER OF:



Reg. No.: 201040605  
Issue No.: 6000  
Case No.:   
Load No.:   
Hearing Date: July 21, 2010  
Wayne County DHS

**ADMINISTRATIVE LAW JUDGE:** Aaron McClintic

**HEARING DECISION**

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37 upon the Claimant's request for a hearing. After due notice, a telephone hearing was held on July 21, 2010. The Claimant appeared and testified along with her day care provider and . ES appeared on behalf of the Department.

**ISSUE**

Was the Department correct in determining Claimant's Child Day Care benefits?

**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 CDC benefits.
- (2) Claimant's CDC case closed effective November 22, 2009.
- (3) Claimant requested hearing on June 16, 2009 contesting the determination of CDC 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

201040605/AM

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 Authorized Hearing Representative 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, the request for hearing was filed on June 16, 2010. Claimant's CDC case closed effective November 22, 2009. Claimant complained that a payment issued on October 8, 2009 for Child Day Care was never received. This Administrative Law Judge only has jurisdiction to review actions taken by the Department within 90 days of the request for hearing, so with regard to that issue the hearing request is untimely.

Issues were raised at hearing concerning the amount of Child Day Care benefit paid between July 2009 and September 2009, again this is more than 90 days prior to the request for hearing and is untimely.

### **DECISION AND ORDER**

The Administrative Law Judge, based upon the above findings of fact and conclusions of law decides that the Claimant's request for hearing is untimely, and it is ORDERED that the Claimant's hearing request is hereby DISMISSED.

/s/



\_\_\_\_\_  
Aaron McClintic  
Administrative Law Judge  
For Ismael Ahmed, Director  
Department of Human Services

Date Signed: July 30, 2010

Date Mailed: July 30, 2010

201040605/AM

**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/hw

cc:

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