

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

IN THE MATTER OF:



Reg. No.: 2010-40810
Issue No.: 6019
Case No.: [REDACTED]
Load No.: [REDACTED]
Hearing Date: October 20, 2010
Wayne County DHS (18)

ADMINISTRATIVE LAW JUDGE: Michael J. Bennane

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 October 20, 2010. The claimant appeared and testified.

ISSUE

Did the Department properly close the Claimant's Child Care (CDC)?

FINDINGS OF FACT

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

1. The claimant was an ongoing CDC recipient.
2. On December 2, 2009, the department closed the claimant's CDC. (Department exhibit 3)
3. On December 11, 2009, the department sent the claimant a verification checklist requesting various proofs of income. (Department exhibit 4)
4. On March 24, 2010, the Claimant filed a request for a 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

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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 Bridges Reference Manual (BRM).

In the instant case the department closed the claimant's CDC case without being able to testify as to the reason/rationale for closure. The department sent the claimant a verification checklist after closing the claimant's CDC. The department testified that it had reinstated the claimant's CDC in May, 2010.

CDC

The client or provider reports, orally or in writing, that a child is no longer in the care of that provider.

The client or provider reports, orally or in writing, a need for fewer authorized hours.

You verify that a child member of the program group was voluntarily placed in foster care.

Information verifies the provider is no longer eligible to receive payments. (BAM 220, p.3).

This ALJ finds that the department was in violation of the department's closure procedures when it closed the claimant's CDC without reason. It should also be noted that the department reinstated the claimant's CDC in April again without reason.

The claimant testified that her CDC provider was not paid for services delivered in December, 2009.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, **REVERSES AND ORDERS** the Department to reinstate the claimant's CDC as of December 1, 2009, and replace any lost benefits.



Michael J. Bennane
Administrative Law Judge
For Ismael Ahmed, Director
Department of Human Services

Date Signed: 11/03/2010

Date Mailed: 11/03/2010

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.

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