

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.: 201047331
Issue No.: 6019
Case No.: [REDACTED]
Load No.: [REDACTED]
Hearing Date: September 8, 2010
Oakland 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 September 8, 2010. The Claimant appeared and testified. [REDACTED] AP supervisor and [REDACTED], 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 applied for Child Day Care benefits on November 18, 2009.
- (2) Claimant's application for Child Day Care was denied on February 27, 2010 due to excess income.
- (3) Claimant earns \$1811 per month in gross employment income.
- (4) Claimant requested a hearing on March 10, 2010 contesting the denial of her application for Child Day Care 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 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).

Department policy dictates the standard of promptness for processing applications: FIP, SDA, RAP, CDC, MA and AMP Only--Certify program approval or denial of the application within 45 days. BAM 115.

In the present case, Claimant earns \$1811 per month in employment income. The gross income limit for a 2 person household is \$1607. Therefore Claimant does have excess income for the Child Day Care and the Department's denial is proper and correct.

The denial of Claimant's application was 90 days after the application. This Administrative Law Judge finds that Department failed to process Claimant's application for Child Day Care assistance within the 45 day standard of promptness. BAM 115. Unfortunately, there is no remedy available to correct this error. Had Claimant requested a hearing shortly after the 45 day standard of promptness then immediate processing of her application could have been ordered.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law decides that the Department was correct in the denial Claimant's CDC application, and it is ORDERED that the Department's decision is hereby AFFIRMED.

/s/



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

Date Signed: September 20, 2010

Date Mailed: September 20, 2010

201047331/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:

