

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: 201050509
Issue No: 6000
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
December 6, 2010
Wayne County DHS

ADMINISTRATIVE LAW JUDGE: Robert J. Chavez

ORDER OF DISMISSAL

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 December 6, 2010.

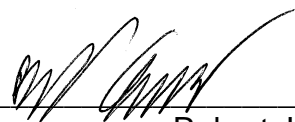
The Administrative Law Judge has determined that he lacks the jurisdiction to decide the matter at hand. A CDC provider applicant whose enrollment is denied or CDC providers whose enrollment is terminated as a result of a criminal conviction or pending crime may request an administrative review through the Department of Human Services. Administrative reviews are completed by the Department of Human Services Central Office staff. Instructions on the DHS-759, which should have been provided with the Notice of Child Development and Care Provider Eligibility, instructs CDC providers or CDC provider applicants to send all administrative review documentation to the Department of Human Services Central Office in Lansing, MI.

If the CDC provider in the current case was not provided with a DHS-759, the provider should request the form from the Department of Human Services as quickly as possible.

According to Administrative Rule 400.903, SOAHR may only grant a hearing if an applicant's claim for assistance is denied or not acted upon with reasonable promptness, or if a recipient is aggrieved by an agency action resulting in a suspension, reduction, discontinuance, or termination of assistance.

The claimant, in her request for hearing, has neither alleged the Department of Human Services has taken a negative action toward the claimant's application for CDC benefits, nor alleged a negative action toward the claimant's receipt of CDC benefits. Any negative action in this case was directed against the CDC provider, who must follow the Administrative Review process outlined above. Department of Human Services policy with regard to denials of CDC provider applications or termination of CDC provider enrollment does not grant the claimant or the claimant's CDC provider a right to an Administrative Hearing through SOAHR.

Therefore, the Administrative Law Judge is unable to decide the matter that is in dispute. Pursuant to MAC R 400.906 and 400.903, claimant's hearing request is **HEREBY DISMISSED**, because there is no jurisdiction to hear the matter at hand.



Robert J. Chavez
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: 12/14/10

Date Mailed: 12/20/10

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

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.

RJC/dj

cc:

