

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

IN THE MATTER OF:



Reg. No.: 20106005
Issue No.: 6021
Case No.: [REDACTED]
Load No.: [REDACTED]
Hearing Date: August 12, 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 August 12, 2010. The Claimant appeared at the hearing and testified. [REDACTED], FIM and [REDACTED], FIS appeared on behalf of the Department.

ISSUE

Did the Department properly determine Claimant's Child Day Care benefit?

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 in July 2009.
2. Claimant was approved for Child Care Benefit in July 2009.
3. The children in Claimant's care returned to their parents in September 2009.
4. Claimant received two small payments in July and August 2009 despite having 4 children in day care.
5. Claimant requested a hearing on August 26, 2009 regarding her Child Day Care benefits and previous applications.

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).

In the present case, Claimant requested hearing on August 26, 2009 regarding her child day care benefit. Claimant contested the denial of her February 2009 application. It was explained at hearing that this request was not timely and could not be addressed. BAM 600. Claimant raised issues with regard to CDC benefits for July and August 2009. Claimant received 2 small payments during these months. The Department did not have the file at hearing and presented no evidence explaining how the payments were processed. Claimant credibly testified that the children in her care received child care; that requests for payments were submitted and she did not receive payments. Therefore, the Department shall reinstate and reprocess child day care benefits for July and August 2009.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law decides that the Department improperly processed Claimant's day care benefit in July and August 2009, and it is ORDERED that the Department's decision in this regard be and is hereby REVERSED. Claimant's child day care benefit shall be reinstated and reprocessed for July and August 2009.

/s/



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

Date Signed: August 20, 2010

Date Mailed: August 20, 2010

20106005/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:

