

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

IN THE MATTER OF:



Reg. No.: 20106379  
Issue No.: 6019  
Case No.: [REDACTED]  
Load No.: [REDACTED]  
Hearing Date: September 2, 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 September 2, 2010. The Claimant appeared testified. [REDACTED] and [REDACTED], FIM appeared on behalf of the Department.

**ISSUE**

Was the Department correct in closing 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 was approved for Child Day Care benefit on June 30, 2009.
- (2) Claimant's CDC benefit was put into negative action effective July 14, 2009 because the Department alleged Claimant did not have need for day care.
- (3) No proof of notice for the closure was presented at hearing by the Department.
- (4) Claimant received no notice of the closure.
- (5) Claimant had need for day care for the period in question.
- (6) Claimant requested a hearing on September 18, 2009 contesting the closure 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 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).

There are two types of written notice: **adequate** and **timely**. A notice of case action must specify the following: • The action(s) being taken by the department. • The reason(s) for the action. • The specific manual item which cites the legal base for an action or the regulation or law itself. • An explanation of the right to request a hearing.

- The conditions under which benefits are continued if a hearing is requested. BAM 220.

There are four CDC need reasons. Each parent/substitute parent of the child needing care must have a valid need reason during the time child care is requested. Each need reason must be verified and exists only when each parent/substitute parent is unavailable to provide the care because of: 1. Family preservation. 2. High school completion. 3. An approved activity. 4. Employment. BEM 703.

In the present case, Claimant was approved for child day care on June 30, 2009. The Department closed her child day care case on July 14, 2009 alleging that she had no need for child day care. No proof on notice for the closure was presented by the Department at hearing. Claimant credibly testified that she received no notice of the closure. Adequate and timely notice is required to close a Claimant's case. BAM 220. Claimant did not receive adequate or timely notice of the closure. Therefore the Department's closure of Claimant's CDC case was improper and incorrect. Additionally, Claimant credibly testified that she had need for Child Day Care during the period of time in question and presented proof that she was employed 40 hours. BEM 703.

### DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law decides that the Department improperly closed Claimant's Child Day Care benefit, and it is ORDERED that the Department's decision in this regard be, and is hereby REVERSED. Claimant's Child Day Care benefits shall be reinstated and reprocessed back to the date of closure July 14, 2009. Any missed benefits shall be

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paid to Claimant in the form of a supplement.

/s/



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

Date Signed: September 15, 2010

Date Mailed: September 15, 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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cc:

