

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

IN THE MATTER OF:



Reg. No.: 20107168
Issue No.: 6019
Case No.: [REDACTED]
Load No.: [REDACTED]
Hearing Date: August 23, 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 23, 2010. The Claimant appeared at the hearing, along with her day care provider, [REDACTED], and both testified. [REDACTED] appeared on behalf of the Department.

ISSUE

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

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 September 16, 2008.
2. The Department has failed to process Claimant's CDC application.
3. Claimant submitted a copy of her September 16, 2008 application at hearing.
4. The Department could not explain why the application was not processed.
- 5.
6. Claimant requested a hearing on August 27, 2009 regarding the failure of the Department to process her Child Day Care application.

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. Bridges automatically generates the client notice and if applicable, the CDC provider notice. BAM 115.

In the present case, Claimant applied for Child Day Care assistance on September 16, 2008. The Department failed to process Claimant's application within the 45 day standard of promptness, contrary to Department policy. BAM 115. Therefore, the Department was incorrect in the processing of Claimant's child day care application. At hearing the Department agreed that Claimant's application had not been processed properly and proposed to reinstate the application effective September 2009. The Department could not explain why the September 2008 application was never processed.

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 application, and it is ORDERED that the Department's decision in this regard be, and is, hereby REVERSED. Claimant's child day care application shall be reinstated and reprocessed back to the date of application September 16, 2008. Any missed benefits shall be paid to Claimant in the form of a supplement.

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

Date Signed: August 30, 2010

Date Mailed: August 30, 2010

20107168/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:

