

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.: 2010-8524
Issue No.: 6000
Case No.: [REDACTED]
Load No.: [REDACTED]
Hearing Date: September 15, 2010
DHS County: Wayne (49)

ADMINISTRATIVE LAW JUDGE: Jan Leventer

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to Michigan Compiled Laws (MCL) Sections 400.9 and 400.37 and Claimant's request for a hearing. After due notice, a telephone hearing was held on September 15, 2010. Claimant appeared and testified. [REDACTED], appeared and testified on behalf of the Department of Human Services (DHS).

ISSUE

Whether Claimant is eligible for Child Development and Care (CDC) benefits for one-half of July 2009 and the months of August-October 2009?

FINDINGS OF FACT

The Administrative Law Judge, based on competent, material, and substantial evidence in the record, and on the entire record as a whole, finds as fact:

1. In 2009, Claimant received CDC benefits.
2. On or about July 15, 2010, Claimant's CDC benefits were terminated.
3. From about July 16-October 24, 2009, Claimant did not receive CDC benefits.
4. At the hearing, DHS agreed that Claimant should have received CDC benefits from about July 16-October 24, 2009, due to her participation in JET programs.
5. At the hearing, DHS agreed to reinstate Claimant's CDC benefits for July 16-October 24, 2009.

6. Claimant filed two hearing requests on November 9, 2009, and one hearing request on March 15, 2010.

CONCLUSIONS OF LAW

CDC was established by Titles IVA, IVE and XX of the United States 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. DHS provides services to adults and children pursuant to MCL 400.14(1) and Michigan Administrative Code Rules 400.5001-5015. DHS' policies are contained in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Reference Tables Manual (RFT). These manuals are available online at www.michigan.gov/dhs-manuals.

Under BAM Item 600, claimants have the right to contest any DHS decision affecting eligibility or benefit levels whenever they believe the decision is illegal. DHS provides an Administrative Hearing to review the decision and determine if it is appropriate. DHS policy includes procedures to meet the minimal requirements for a fair hearing. Efforts to clarify and resolve the claimant's concerns start when DHS receives a hearing request and continue through the day of the hearing.

In the present case, at the hearing, the DHS JET Case Manager found Claimant eligible for CDC for July 16-October 24, 2009. DHS agreed to approve and reinstate Claimant's CDC benefits for that period. As a result of this agreement, Claimant indicated she no longer wished to proceed with the hearing. Since Claimant and DHS have come to an agreement, it is unnecessary for this Administrative Law Judge to make a decision regarding the facts and issues in this case.

DECISION AND ORDER

The Administrative Law Judge, based on the above findings of fact and conclusions of law, decides that DHS and Claimant have come to a settlement regarding Claimant's request for a hearing. Therefore, it is ORDERED that DHS shall reinstate Claimant's CDC benefits for July 16-October 24, 2009, in accordance with this settlement agreement.



Jan Leventer
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: September 16, 2010

Date Mailed: September 16, 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.

JL/pf

cc:

