

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: 201114937
Issue No: 6004
Case No: [REDACTED]
Hearing Date: March 8, 2011
Lansing AH

ADMINISTRATIVE LAW JUDGE: Janice G. Spodarek

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37 upon Petitioners's requests for a hearing. After due notice, an in-person hearing was held at the SOAHR head office in Lansing, Michigan, at the Ottawa Building. Petitioners did not appear. Petitioners were represented by [REDACTED], a subcontractor with [REDACTED]

ISSUE

Did the Department of Human Services (DHS) properly deny Petitioners's request for Adoption Support Subsidies for their three children?

FINDINGS OF FACT

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

1. On January 29, 2010, Petitioners adopted three children pursuant to a [REDACTED] Court Family Division Order of Adoption. The children's dates of birth: [REDACTED] The children are siblings.
2. The most recent DOC rate on the DHS 470 signed January 20, 2010 for each child is identified as a Level 2 plus the basic rate totaling [REDACTED] each.

3. On January 28, 2010, Petitioners filed an Adoption Support Subsidy application.
4. On April 15, 2010, the Adoption Subsidy DHS Office issued a denial on each child. The department stipulated at the administrative hearing that the denial was issued in error.
5. The department stipulated at the administrative hearing that the children are eligible for Adoption Support Subsidy. The rate, funding source, and back payments have yet to be negotiated.
6. On June 1, 2010, Petitioners's requested a hearing.

CONCLUSIONS OF LAW

The Adoption Subsidy Program is established by MCL 400.115, et seq., and is administered by the Department of Human Services (formerly known as the Family Independence Agency) pursuant to MCL 400.10, et seq. Department policies in effect at the time of the substantive issues disputed herein are found in the Adoption Services Manual (ASM). Manual code numbers are referred to as "CFA." The federal law upon which Michigan law is based is Title IV-E of the Social Security Act, Section 473(c).

MCL 24.278(2) allows for disposition to be made of a contested case hearing by stipulated or agreed upon settlement. At the evidentiary hearing held on March 8, 2011 between the parties, the department and the Petitioners's representative reached an agreed upon settlement. The terms of the settlement are as follows:

The April 15, 2010 denial for each child for the Adoption Subsidy Program was in error. All three children are eligible for Adoption Support Subsidy. The funding source, daily rate, and the amount the department will have to pay in back payments have yet to be negotiated and/or decided. The April 15, 2010 denial is vacated.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the agreed upon settlement reached by the parties herein is upheld. The settlement indicates that the parties agreed at the administrative hearing that all three children are eligible for Adoption Support Subsidy. The funding source, daily rate, and the amount of back pay that the department owes have yet to be negotiated and/or determined. Petitioners shall retain a right to hearing in the future pursuant to notices issued by the department on the funding source, daily rate, and back pay.

The agreement between the parties is, hereby, UPHELD. The department is Ordered to initiate the terms of the settlement as set forth herein.

/S/

Janice G. Spodarek
Administrative Law Judge
for Maura D. Corrigan, Director
Department of Human Services

Date Signed: March 16, 2011

Date Mailed: March 16, 2011

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.

JGS/db

cc:

