

STATE OF MICHIGAN
MICHIGAN ADMINISTRATIVE HEARING SYSTEM
ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF:



Reg No: 2011 17798
Issue Nos: 6019
Case No: [REDACTED]
Hearing Date:
April 13, 2011
Wayne County DHS (31)

ADMINISTRATIVE LAW JUDGE: Lynn M. Ferris

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 hearing. After due notice, a telephone hearing was conducted by the undersigned in Detroit, Michigan on April 13, 2011. The Claimant was present and testified. Sadie Boyd, ES appeared on behalf of the Department.

ISSUE

Whether the Department properly closed the Claimant's Child Development and Care (CDC) case for lack of need and employment.

FINDINGS OF FACT

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

1. The Claimant was an ongoing recipient of CDC benefits.
2. On September 14, 2010, the Claimant was sent a redetermination requesting it be completed and returned to the Department on October 1, 2010.

3. The Claimant returned the redetermination on October 1, 2010.
4. The Claimant worked for [REDACTED] through October 15, 2010, and thereafter began training for employment with [REDACTED] in October 2010, but was officially hired on [REDACTED], and is currently working for [REDACTED].
5. The Claimant provided the Department with pay stubs for November 2010 from her [REDACTED] employment.
6. On October 27, 2010, the Department issued a Notice of Case Action which determined that Claimant's CDC case had closed because her need and circumstances have changed. Children not eligible because no need.
7. The Department closed the Claimant's CDC case effective November 8, 2010.
8. At the hearing, after reviewing the case file, the Department agreed that it would reinstate the Claimant's CDC case retroactive to November 8, 2010, the date of closure, and process the case and determine the Claimant's eligibility for CDC benefits.
9. As a result of this agreement, Claimant indicated that she no longer wished to proceed with the remainder of the hearing.

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 Manuals (PRM).

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

In the present case, the Department has agreed to reopen the Claimant's CDC case retroactive to November 8, 2010, the case closure date, and process the case to determine eligibility and complete the verification process.

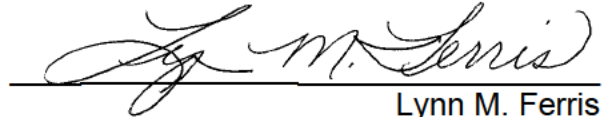
As a result of this agreement, Claimant indicated she no longer wished to proceed with the hearing. Since the Claimant and the Department have come to an agreement, it is unnecessary for this Administrative Law Judge to make a decision regarding the facts and issues in this case.

DECISION AND ORDER

The Administrative Law Judge, based upon the findings of fact and conclusions of law, finds that the Department and Claimant have come to a settlement regarding claimant's request for a hearing.

Accordingly, it is ORDERED:

1. The Department shall reopen and reinstate the Claimant's CDC case retroactive to November 8 2010, and shall determine the Claimant's eligibility for CDC benefits.



Lynn M. Ferris
Administrative Law Judge
For Maura Corrigan, Director
Department of Human Services

Date Signed: 05/04/11

Date Mailed: 05/06/11

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.

LMF/dj

cc:

