

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

IN THE MATTER OF:



Reg. No.: 201120478
Issue No.: 6022
Case No.: [REDACTED]
Hearing Date: April 11, 2011
DHS County: Wayne (82-76)

ADMINISTRATIVE LAW JUDGE: Susan C. Burke

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37 upon Claimant's request for a hearing. After due notice, a telephone hearing was held on April 11, 2011. Claimant appeared and testified. The Department of Human Services (Department) was represented by [REDACTED] Family Independence Specialist.

ISSUE

Was the Department correct in its determination of the effective date of Claimant's Child Development and Care (CDC) application?

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 August 5, 2010, Claimant applied for CDC, but the Department did not register the application.
2. On November 5, 2010, Claimant again applied for CDC, and the Department worker told Claimant the application would be effective August 5, 2010.
3. The Department made the application effective November 5, 2010.

4. Claimant requested a hearing, protesting the effective application date.

CONCLUSIONS OF LAW

The CDC 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 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).

Local offices must assist clients who need and request help to complete application forms. BAM 110, p. 1. Local offices must protect client rights. BAM 105.

In the present case, Claimant testified credibly that she applied for CDC on August 5, 2010. Claimant further testified that she again applied for CDC on November 5, 2010, and the worker assisting her at the time told her that the application would be effective August 5, 2010. The application of November 5, 2010, shows the start date of day care to be August 15, 2010, which is consistent with Claimant applying for CDC in August. Based on the above discussion, I find that the Department was incorrect in its determination of the CDC application date, as it did not protect Claimant's rights per BAM 105.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that the Department was not correct in its determination of the date of Claimant's CDC application, and it is ORDERED, therefore, that the Department's decision is REVERSED. It is further ORDERED that the Department shall reinstate and reprocess Claimant's CDC application with the effective date of August 5, 2010. It is further ORDERED that any missed payments to Claimant's CDC provider shall be made in the form of a supplement.



Susan C. Burke
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

201120478/SCB

Date Signed: May 3, 2011

Date Mailed: May 3, 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.

SCB/ hw

cc:

