

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 201122547
Issue No.: 6019
Case No.: [REDACTED]
Load No.: [REDACTED]
Hearing Date: April 28, 2011
Oakland County DHS

ADMINISTRATIVE LAW JUDGE: [REDACTED]

HEARING DECISION

This matter is before the undersigned Administrative Law Judge upon pursuant to MCL 400. 9; MCL 400.37 upon Claimant's request for a hearing. After due notice, a telephone hearing was held on April 28, 2011. The Claimant appeared and testified. [REDACTED], Case Manager appeared on behalf of the Department.

ISSUE

Was the Department correct in denying Claimant's 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. Claimant applied for Child Day Care benefits on August 14, 2010.
2. The Department has denied Claimant's CDC application on September 25, 2010.
3. The Department could not explain why the application was denied and did not provide a copy of the notice of case action.
4. Claimant was participating with Michigan Works at the time of application, and had valid need for child day care.
5. Claimant requested a hearing on September 28, 2010 regarding the denial of her Child Day Care application.

CONCLUSIONS OF LAW

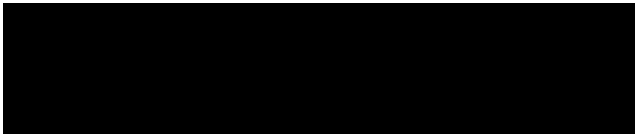
The Child Development and Care program is established by Titles IVA, IVE and XX of the Social Security Act, the Child Care and Development Block Grant of 1990, and the Personal Responsibility and Work Opportunity Reconciliation Act of 1996. The program is implemented by Title 45 of the Code of Federal 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).

Adequate Notice An adequate notice is a written notice sent to the client at the same time an action takes effect (not pended). Adequate notice is given in the following circumstances: **All Programs** • Approval/denial of an application. (BAM 220).

In the present case, Claimant applied for Child Day Care assistance on August 14, 2010. The Department could not explain why the application was denied, and did not provide a notice of case action at hearing, in violation of Department policy. (BAM 220). Claimant credibly testified that she was participating with Work First at the time of application and had valid need for child day care. Therefore, the Department's denial of Claimant's application was improper and incorrect.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law decides that the Department improperly denied Claimant's Child Day Care assistance application, and it is ORDERED that the Department's decision in this regard be, and is hereby, REVERSED. Claimant's child day care assistance application shall be reinstated and reprocessed back to the date of application August 14, 2010. Any missed benefits shall be paid in the form of a supplement.



Administrative Law Judge
For Maura Corrigan, Director
Department of Human Services

Date Signed: May 20, 2011

Date Mailed: May 20, 2011

201122547/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:

[REDACTED]

Oakland County DHS (02)/ 1843

[REDACTED]

Administrative Hearing System