

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 2011-23065
Issue No.: 6019
Case No.: [REDACTED]
Hearing Date: April 28, 2011
DHS County: Oakland (63-03)

ADMINISTRATIVE LAW JUDGE: Colleen M. Mamelka

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 a hearing. After due notice, a telephone hearing was conducted from Detroit, Michigan, on Thursday, April 28, 2011. The Claimant appeared and testified. [REDACTED] appeared on behalf of the Department of Human Services ("Department").

ISSUE

Whether the Department properly processed the Claimant's Child Development & Care ("CDC") application?

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 submitted an application for public assistance seeking CDC benefits on December 15, 2010.
2. The Department requested the Claimant complete a Child Care Provider Verification form (DHS 4025).
3. The Claimant submitted the completed form on more than one occasion.
4. On January 28, 2011, the Department denied the application for the Claimant's failure to submit the requested information.
5. On February 28, 2011, the Department received the Claimant's written request for 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 (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 Bridges Reference Manual ("BRM").

The goal of CDC program is to preserve the family unit and to promote its economic independence and self-sufficiency by promoting safe, affordable, accessible, quality child care for qualified families. BEM 703. DHS may provide payment for child care services for qualifying families when the parent(s)/substitute parent(s) is (are) unavailable to provide the child care because of employment, education, and/or because of a health/social condition for which treatment is being received and care is provided by an eligible provider. BEM 703. The client is responsible for obtaining any requested verifications needed to determine eligibility. BEM 702. The client is allowed a full 10 calendar days from the date verification is requested to provide the requested information. BEM 702.

In this case, the Claimant submitted a CDC application on December 15, 2010. As requested by the Department, the Claimant timely completed and submitted the required verifications on more than one occasion. The Department was unable to locate the verifications but did not disagree that the Claimant had submitted them. During the hearing, the Department agreed to re-process the December 15, 2010, CDC application in accordance with policy. Under these facts, the Department's actions are not upheld.

DECISION AND ORDER

The Administrative Law Judge, based on the above findings of fact and conclusions of law, finds the Department's actions are not upheld.

1. The Department's actions are not upheld.
2. The Department shall re-process the Claimant's December 15, 2010, CDC application in accordance with Department policy.

3. The Department shall notify the Claimant of the determination in accordance with Department policy.
4. The Department shall supplement for lost benefits (if any) that the Claimant was entitled to receive if otherwise eligible and qualified.

Colleen M. Mamelka

Colleen M. Mamelka
Administrative Law Judge
For Maura Corrigan, Director
Department of Human Services

Date Signed: May 9, 2011

Date Mailed: May 10, 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.

CMM/pf

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