

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

IN THE MATTER OF:

[REDACTED]

Reg No: 2011 23252
Issue Nos: 6015
Case No: [REDACTED]
Hearing Date:
May 18, 2011
Macomb County DHS (36)

ADMINISTRATIVE LAW JUDGE [REDACTED]

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 May 18, 2011. The Claimant was present and testified. [REDACTED] appeared as a witness for the Claimant. [REDACTED], ES appeared on behalf of the Department.

ISSUE

Whether the Department properly closed the Claimant's Child Day Care (CDC) case due to failure to receive the verification of self employment income by the due date.

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 a Child Day Care (CDC) recipient.

2. The Claimant's CDC case was closed November 21, 2010, when the Department did not receive requested verifications of self employment income.
3. A verification checklist was sent out on September 30, 2010, requesting that the [REDACTED], the Claimant's child's father, respond to information regarding self employment income.
4. The [REDACTED] was required to respond to the verification request, regarding self employment income, but had reading and writing disabilities that prevented him from responding. The Department acknowledged that the Claimant and [REDACTED] did not refuse to cooperate.
5. At the hearing, the Department agreed to reopen and process the Claimant's CDC case retroactive to the date of closure and to reinstate the Claimant's CDC benefits retroactive to the date of closure, November 21, 2010.
6. 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 Program Administrative Manual (PAM), the Program Eligibility Manual (PEM) and the Program Reference Manual (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 21, 2010, and to reinstate the Claimant's CDC benefits during the period the CDC case was closed.

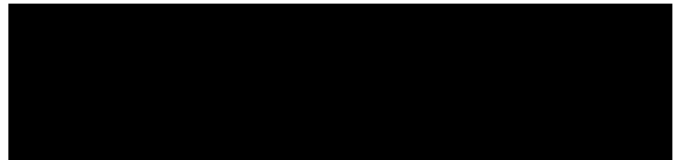
As a result of this agreement, Claimant indicated she no longer wished to proceed with the hearing. Since the Claimant and the Department have come to an agreement, it is unnecessary for this Administrative Law Judge to make a decision regarding the facts and issues in this case.

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 and provide CDC benefits retroactive to the date of closure, November 21, 2010, and supplement the Claimant for CDC benefits she was otherwise entitled to receive during the period the case was closed.



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



Date Signed: 05/19/11

Date Mailed: 05/20/11

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: 
Macomb County DHS (Dist #36) / DHS-1843

Administrative Hearings