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

IN THE MATTER OF:
Issue

Reg. No.: 2011-23654

No.: 6021

Case No.:

Hearing Date: May 18, 2011 DHS County: Macomb (20)

ADMINISTRATIVE LAW JUDGE: Michael J. Bennane

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9; MSA 16.409 and MCL 400.37; M SA 16.437 upon the Claimant's r equest for a hearing. After due notice a telephone hearing was held on May 18, 2011. The Claima nt personally appeared and testified.

<u>ISSUE</u>

Did the Department of Human Services (Department) properly process the Claimant's Child Development and Care (CDC) case?

FINDINGS OF FACT

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

- 1. On June 14, 2010, the Claimant returned completed redetermination forms.
- 2. On the Claimant gave birth to a third child and that child began receiving day care on April 14, 2009.
- 3. On October 10, 2010, the Claimant f iled a request for a hearing becaus e the Department had not added the third child to her CDC case.

CONCLUSIONS OF LAW

The Child Development and Care program is establis hed by Titles IVA, IVE and XX of the Social Security Act, the Child Care and Development Block Gr ant of 1990, and the Personal Responsibility and Work Opportunity Reconciliation Act of 1996. The program is implemented by T itle 45 of the Code of F ederal 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.

Here, the Department cites the computer program as having made an error as the cause of the Department's not adding the Claimant's third child.

At the hearing the Claimant te stified that her third child had been born on She further testified that this third child has been in day care since April 14, 2009, and CDC benefits had not been paid to the care giver.

FIP, SDA, RAP, CDC, MA and AMP Only

Certify program approval or de nial of the application within 45 days. Bridges automatically generates the client notice and if ap plicable, the CDC provider notice. (BAM 11 5, p. 11).

Here, the Department failed in processing the Claimant's redetermination and her thir d child for CDC well beyond the Standard of Promptness.

DECISION AND ORDER

The Administrative Law Judge, based on the above findings of fact and conclusions of law, REVERSES and ORDERS the Department to include the Claimant's third child in her CDC case retroactively back to April 14, 2009.

Michael J. Bennane Administrative Law Judge for Maura Corrigan, Director Department of Human Services

Date Signed: June 28, 2011

Date Mailed: June 28, 2011

NOTICE: Administrative Hearings may or der 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 Hear ings will not orde rarehearing 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 ti mely request for rehearing was made, within 30 days of the receipt date of the rehearing decision.

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MJB/cl

