

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 201135549
Issue No.: 6019
Case No.: [REDACTED]
Hearing Date: July 21, 2011
Wayne County DHS (76)

ADMINISTRATIVE LAW JUDGE: YASMIN J. ELIAS

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 July 21, 2011. The claimant appeared and testified. [REDACTED] and [REDACTED] appeared and testified on behalf of the Department of Human Services (DHS).

ISSUE

Whether the Department acted in accordance Department policy when it terminated the Claimant's Child Development and Care (CDC) benefits.

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 CDC benefit recipient in January 2011.
2. The Claimant's CDC benefits were terminated effective February 2011, based on a finding that the claimant's income exceeded the program's eligibility limit.
3. The DHS lacks information or documentation to support its finding that the Claimant had excess income on or prior to February 2011.
4. The DHS concedes that the finding regarding the Claimant's excess income for the month of February was made in error.

5. The DHS agreed to reopen the Claimant's CDC case retroactive to the month of February, and to recalculate the Claimant's budget for the subsequent months, with the pay stubs that were provided by the Claimant.
6. The DHS will issue the payment to the Claimant's child care provider for the month of February, if it has not already been processed.

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 Michigan Administrative Code Rules 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).

In the matter at hand, the parties were in agreement that the Claimant should have been approved to receive CDC benefits for the month of February 2011, as her income did not exceed the program eligibility income limits. The parties were also in agreement that the Department should recalculate the Claimant's CDC program eligibility for subsequent months following February 2011, by using the pay stubs provided by the Claimant.

MCL 24.278(2) and MSA 3.560(178)(2) provide that a contested administrative case may be disposed of by stipulation of the involved parties. Prior to the conclusion of the hearing, the parties agreed to do the following: DHS will recalculate the claimant's eligibility for CDC benefits as of February 2011, by preparing a new budget using the pay stubs provided by the Claimant. DHS will also forward the Claimant's approved CDC application for the month of February 2011, to the fiscal unit for processing and for issuance of payment to the Claimant's child care provider, if this has not already occurred.

Because of the aforementioned agreement, it is unnecessary for the undersigned to resolve this issue as the involved parties have agreed to a settlement.

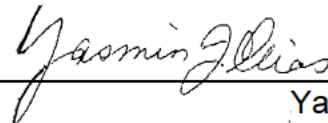
DECISION AND ORDER

The Administrative Law Judge, based on the above findings of fact and conclusions of law, finds:

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The actions taken by DHS are REVERSED. It is ordered, based upon the agreement of the parties, DHS shall:

1. Forward the Claimant's approved CDC application for the month of February 2011 to the fiscal unit for processing, and for issuance of payment to the Claimant's child care provider, if this has not already occurred.
2. Recalculate the Claimant's CDC benefit eligibility following the month of February 2011, using the pay stubs provided by the Claimant.
3. Supplement the Claimant for any lost CDC benefits she was otherwise eligible and qualified to receive after February 2011, in accordance with Department policy.



Yasmin J. Elias
Administrative Law Judge
For Maura Corrigan, Director
Department of Human Services

Date Signed: July 28, 2011

Date Mailed: July 29, 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 receipt 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.

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