

STATE OF MICHIGAN  
STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES  
ADMINISTRATIVE HEARINGS FOR THE  
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF:

[REDACTED]

Reg. No.: 2011-4090  
Issue No.: 6000  
Case No.: [REDACTED]  
Hearing Date: March 30, 2011  
DHS County: Macomb (50-36)

**ADMINISTRATIVE LAW JUDGE:** Jan Leventer

**HEARING DECISION**

This matter is before the undersigned Administrative Law Judge pursuant to Michigan Compiled Laws (MCL) 400.9 and 400.37 and Claimant [REDACTED] request for a hearing. After due notice, a telephone hearing was held on March 30, 2011. Claimant appeared and testified at the hearing. [REDACTED], appeared and testified for the Department of Human Services (DHS).

**ISSUE**

Whether Claimant is eligible for Child Development and Care (CDC) benefits?

**FINDINGS OF FACT**

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

1. On June 3, 2010, Claimant applied for CDC benefits with DHS.
2. DHS denied Claimant's application and internally requested that an exception be made to provide CDC benefits to Claimant.
3. On September 16, 2010, Claimant filed a hearing request notice with DHS.
4. On December 16, 2010, DHS approved an exception to policy and granted CDC benefits to Claimant.
5. DHS failed to pay CDC benefits to Claimant.

6. At the March 30, 2011, hearing, DHS offered to pay retroactive supplemental CDC benefits to Claimant.
7. As a result of DHS' offer, Claimant testified she no longer wished to proceed with the Administrative Hearing.

### **CONCLUSIONS OF LAW**

CDC was established by Titles IVA, IVE and XX of the U.S. Social Security Act, the U.S. Child Care and Development Block Grant of 1990, and the U.S. 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. DHS provides services to adults and children pursuant to MCL 400.14(1) and Michigan Administrative Code Rules 400.5001-400.5015. DHS' policies are contained in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Reference Tables (RFT). These manuals are available online at [www.michigan.gov/dhs-manuals](http://www.michigan.gov/dhs-manuals).

Under BAM Item 600, clients have the right to contest any DHS decision affecting eligibility or benefit levels whenever they believe the decision is illegal. DHS provides an Administrative Hearing to review the decision and determine if it is appropriate. DHS policy includes procedures to meet the minimal requirements for a fair hearing. Efforts to clarify and resolve the client's concerns start when DHS receives a hearing request and continue through the day of the hearing.

At the Administrative Hearing in this case, DHS offered to provide retroactive supplemental CDC benefits to Claimant. Claimant accepted the offer and testified that she no longer wished to proceed with the Administrative Hearing.

As the parties have agreed to settle their differences, it is not necessary for the Administrative Law Judge to adjudicate any issues presented.

In conclusion, based on the agreement of the parties and based on the above findings of fact and conclusions of law, IT IS ORDERED that DHS will pay retroactive supplemental CDC benefits to Claimant. This will be accomplished pursuant to the settlement agreement of the parties and in accordance with DHS policies and procedures.

**DECISION AND ORDER**

The Administrative Law Judge, based on the above findings of fact and conclusions of law and the stipulated agreement of the parties, states IT IS HEREBY ORDERED that DHS shall pay Claimant retroactive supplemental CDC benefits. This action shall be taken in accordance with DHS policy and procedures.

IT IS SO ORDERED.



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

Date Signed: April 11, 2011

Date Mailed: April 13, 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.

JL/pf

cc:

