

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

IN THE MATTER OF:



Reg. No: 2011-47978
Issue No: 6021
Case No: [REDACTED]
Hearing Date: September 28, 2011
Genesee County DHS

ADMINISTRATIVE LAW JUDGE: Christopher S. Saunders

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 held on September 28, 2011. The claimant personally appeared and provided testimony.

ISSUE

Whether the department properly withheld payment of the claimant's Child Development and Care (CDC) benefits?

FINDINGS OF FACT

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

1. The claimant applied for and was approved for CDC benefits for the time period pertinent to this hearing.
2. For one of the claimant's two daycare providers, no benefits were issued from May 8, 2011 through July 30, 2011.
3. The claimant filed a hearing request on August 4, 2011 due to the day care provider not receiving payment.

CONCLUSIONS OF LAW

The regulations governing the hearing and appeal process for applicants and recipients of public assistance in Michigan are found in the Michigan Administrative Code, MAC R 400.901-400.951. An opportunity for a hearing shall be granted to an applicant who requests a hearing because his claim for assistance is denied. MAC R 400.903(1).

Clients have the right to contest a department decision affecting eligibility or benefit levels whenever it is believed that the decision is incorrect. The department will provide

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an administrative hearing to review the decision and determine the appropriateness. BAM 600.

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 (DHS or Department) provides services to adults and children pursuant to MCL 400.14(1) and MAC R 400.5001-5015. Department policies are found in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM), Reference Table Manual (RFT), and the Bridges Reference Manual (BRM).

At the hearing, the department representative testified that the claimant had two day care providers and that it appeared that both providers were approved. The representative further testified that benefits had not been provided in relation to one of the providers from May 8, 2011 through July 30, 2011. The department representative testified that she believed the reason that benefits were not issued was because there had been a computer error, as she could not find any reason why benefits would have been discontinued or any notice that benefits were reduced, suspended, or terminated. The department representative testified that she felt that the claimant should have received the benefits and that they were withheld in error. The department representative further testified that it appeared that the department had issued a ticket to have the problem resolved, but that to date the issue had not been resolved. Based on the testimony offered by the department representative, this Administrative Law Judge finds that the claimant's CDC benefits were withheld in error.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that that the claimant's CDC benefits were withheld in error.

Accordingly, the department's actions are **REVERSED**.

It is HEREBY ORDERED that the department shall re-determine the claimant's eligibility for CDC benefits for the period of May 8, 2011 through July 30, 2011 and issue any past due benefits due and owing to the claimant that she is otherwise eligible to receive.

/s/

Christopher S. Saunders
Administrative Law Judge
for Maura D. Corrigan, Director
Department of Human Services

Date Signed: October 12, 2011

Date Mailed: October 12, 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 60 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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