

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.: 2011-7889
Issue No.: 6000
Case No.: [REDACTED]
Hearing Date: February 3, 2011
DHS County: Wayne (82-76)

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 February 3, 2011. Claimant appeared and testified. [REDACTED], and [REDACTED] [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. In 2010, Claimant received Family Independence Program (FIP), Food Assistance Program (FAP), and CDC benefits for her family group.
2. In January 2010, Claimant's child care provider received CDC payments for child care services provided in 2009.
3. After January 2010, DHS failed to pay CDC benefits to Claimant's child care provider.
4. On September 13, 2010, after receiving a termination notice based on a Redetermination application, Claimant filed a hearing request with DHS.

5. On or about September 20, 2010, Claimant's FIP and FAP benefits were reinstated, but her CDC benefits were not reinstated.
6. On October 29, 2010, and December 15, 2010, Claimant filed hearing requests with DHS.
7. At the hearing on February 3, 2011, DHS agreed to provide CDC benefits to Claimant retroactive to April 2010, and pay Claimant's provider as of the date she completed the DHS Great Start to Quality Orientation or thereafter, as appropriate.
8. As a result of DHS' agreement with her, Claimant stated at the hearing that she no longer wished to proceed with the administrative hearing process.

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-.5015. DHS' policies are contained in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Reference Tables Manual (RFT). These manuals are available online at 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 hearing, DHS agreed to reopen and reprocess Claimant's CDC benefits retroactive to April 1, 2010, and to provide Claimant with CDC benefits as of the date Claimant's provider completed the required DHS training program. As a result of DHS' agreement, Claimant indicated 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.

Therefore, IT IS ORDERED that DHS shall reopen and reprocess Claimant's CDC benefits effective April 1, 2010, and pay Claimant's child care provider as of the date all eligibility requirements are met. This shall be accomplished pursuant to the stipulated 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 reopen and reprocess Claimant's CDC application effective April 1, 2010, and pay Claimant's provider as of the date she met the eligibility requirements. These steps shall be taken in accordance with DHS policies and procedures.

IT IS SO ORDERED.



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

Date Signed: February 10, 2011

Date Mailed: February 14, 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:

