

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. 201114333
Issue No. 6000
Case No. [REDACTED]
Hearing Date: March 17, 2011
Wayne County DHS (55)

ADMINISTRATIVE LAW JUDGE: Christian Gardocki

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 March 17, 2011. [REDACTED] (Claimant) appeared and testified; [REDACTED] appeared and testified on behalf of Claimant. On behalf of Department of Human Services (DHS), [REDACTED], appeared and testified.

ISSUE

Whether the undersigned has jurisdiction to determine Claimant's hearing request when Claimant's son was the proper person to request a hearing.

FINDINGS OF FACT

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

1. Claimant's son submitted a CDC benefit application to DHS on 6/8/10.
2. DHS failed to register or process Claimant's son's CDC benefit application.
3. Claimant was intended to be her son's CDC provider.
4. On 10/25/10, Claimant requested a hearing disputing a failure to receive CDC payments since 6/2010.

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 MAC R 400.5001-5015. Department policies are found in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Reference Tables Manual (RFT).

All clients have the right to request a hearing. BAM 600 at 1. The following people have authority to exercise this right by signing a hearing request: an adult member of the eligible group; or the client's authorized hearing representative (AHR). *Id.*

In the present case, Claimant's son submitted a CDC application to DHS on 6/8/10. If eligible for CDC benefits, Claimant's son intended that his mother be his CDC provider. Claimant requested a hearing on 10/25/10 concerning her failure to receive CDC payments from DHS. The hearing request did not list any other signatures or authorizations. It is found that [REDACTED] is the Claimant who requested a hearing, not her son.

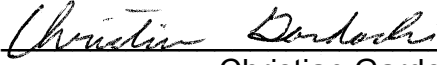
BAM 600 lists the circumstances in which a hearing may be granted. The circumstances are: denial of an application and/or supplemental payments, reduction in the amount of program benefits or service, suspension or termination of program benefits or service, restrictions under which benefits or services are provided or delay of any action beyond standards of promptness. BAM 600 at 3.

Based on the above regulations, Claimant, as a CDC provider, had no authority to request an administrative hearing based on an alleged failure by DHS to process her son's CDC benefit application. Claimant's son's application was denied, not Claimant's. Thus, Claimant failed to meet the circumstances in which a hearing may be granted. It is found that Claimant had no authority to request a hearing on behalf of her adult child concerning an alleged CDC application denial.

It should be noted that the below order dismissing Claimant's hearing request does not prevent Claimant from properly seeking a hearing concerning any actions that DHS took (or failed to take) concerning his case. Any future hearing requests from Claimant will still be subject to complying with DHS regulations. DHS is also not barred from correcting any known failures so that a future hearing can be avoided.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that the undersigned lacks jurisdiction to consider Claimant's hearing request disputing the failure by DHS to pay her as a CDC provider. Claimant's hearing request is DISMISSED.


Christian Gardocki
Administrative Law Judge
For Maura Corrigan, Director
Department of Human Services

Date Signed: 04/01/11

Date Mailed: 04/06/11

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.

CG/dj

cc:

