

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

IN THE MATTER OF:

Issue

[REDACTED]

Reg. No.: 2011-23654

No.: 6021

Case No.: [REDACTED]

Hearing Date: May 18, 2011

DHS County: Macomb (20)

**ADMINISTRATIVE LAW JUDGE:** Michael J. Bennane

**HEARING DECISION**

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9; MSA 16.409 and MCL 400.37; M SA 16.437 upon the Claimant's request for a hearing. After due notice a telephone hearing was held on May 18, 2011. The Claimant personally appeared and testified.

**ISSUE**

Did the Department of Human Services (Department) properly process the Claimant's Child Development and Care (CDC) case?

**FINDINGS OF FACT**

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

1. On June 14, 2010, the Claimant returned completed redetermination forms.
2. On [REDACTED], the Claimant gave birth to a third child and that child began receiving day care on April 14, 2009.
3. On October 10, 2010, the Claimant filed a request for a hearing because the Department had not added the third child to her CDC case.

**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 (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.

Here, the Department cites the computer program as having made an error as the cause of the Department's not adding the Claimant's third child.

At the hearing the Claimant testified that her third child had been born on [REDACTED]. She further testified that this third child has been in day care since April 14, 2009, and CDC benefits had not been paid to the care giver.

**FIP, SDA, RAP, CDC, MA and AMP Only**

Certify program approval or denial of the application within 45 days. Bridges automatically generates the client notice and if applicable, the CDC provider notice. (BAM 11 5, p. 11).

Here, the Department failed in processing the Claimant's redetermination and her third child for CDC well beyond the Standard of Promptness.

**DECISION AND ORDER**

The Administrative Law Judge, based on the above findings of fact and conclusions of law, REVERSES and ORDERS the Department to include the Claimant's third child in her CDC case retroactively back to April 14, 2009.



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Michael J. Bennane  
Administrative Law Judge  
for Maura Corrigan, Director  
Department of Human Services

Date Signed: June 28, 2011

Date Mailed: June 28, 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.

2011-23654/MJB

MJB/cl

cc:

