

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 2011-26736
Issue Nos.: 3002, 6000
Case No.: [REDACTED]
Hearing Date: May 5, 2011
DHS County: Wayne (82-18)

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 May 5, 2011. Claimant appeared and testified. [REDACTED] appeared and testified as a witness for Claimant.

[REDACTED], and [REDACTED] appeared and testified for the Department of Human Services (DHS).

ISSUE

Whether Claimant is eligible for Child Development and Care (CDC) benefits and supplemental Food Assistance Program (FAP) benefits from DHS?

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 December 2010, Claimant reported to DHS that she would be going on maternity leave for three months beginning January 2011 and would have no income during that time.
2. On March 5, 2011, DHS received verification from Claimant's employer that Claimant's maternity leave began [REDACTED]
3. Effective April 1, 2011, DHS increased Claimant's FAP benefits to reflect the fact that she had no income.

4. On April 1, 2011, DHS confirmed that CDC payments to Claimant's provider were authorized for the four benefit periods from November 8, 2009-January 2, 2010, for Claimant's son, [REDACTED].
5. Also on April 1, 2011, DHS confirmed that CDC payments to Claimant's provider were authorized for the four benefit periods from November 8, 2009-January 2, 2010, for Claimant's son, [REDACTED].
6. DHS failed to provide CDC benefits to Claimant with the exception of one payment for one child for one pay period, the period of November 8-21, 2009.
7. On March 18, 2011, Claimant filed a hearing request with DHS.
8. On May 5, 2011, an Administrative Hearing was held at which DHS agreed that DHS error had occurred and that Claimant was eligible for the requested CDC benefits.
9. At the hearing, DHS agreed to provide retroactive supplemental CDC benefits to Claimant for the requested dates.
10. As a result of DHS' offer regarding CDC benefits, Claimant testified she no longer wished to proceed with the Administrative Hearing.
11. Also at the hearing, upon review of the employer verification, Claimant withdrew her request for supplemental FAP benefits and testified she no longer wished to proceed with her complaint.

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.

FAP was established by the U.S. Food Stamp Act of 1977 and is implemented by Federal regulations contained in Title 7 of the Code of Federal Regulations. DHS administers FAP pursuant to MCL 400.10 *et seq.* and Michigan Administrative Code Rules 400.3001-400.3015. DHS' policies are found in BAM, BEM and RFT. *Id.*

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.

In this case, DHS offered to provide retroactive supplemental CDC benefits to Claimant's child care provider for the period of November 8, 2009-January 2, 2010. As a result of DHS' offer, Claimant testified 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 from November 8, 2009-January 2, 2010, and continue Claimant's eligibility as appropriate according to 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 provide CDC benefits to Claimant from November 8, 2009-January 2, 2010, and DHS shall provide CDC benefits to Claimant on a continuing basis as appropriate and in accordance with DHS policies and procedures.

IT IS FURTHER ORDERED, based on the findings of fact and conclusions of law above, that DHS is AFFIRMED as to the Claimant's FAP allotment. DHS need take no further action with regard to Claimant's FAP benefits at this time.

IT IS SO ORDERED.



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

Date Signed: May 9, 2011

2011-26736/JL

Date Mailed: May 10, 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:

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