

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 2011-36896
Issue No.: 6021
Case No.: [REDACTED]
Hearing Date: July 6, 2011
DHS County: Wayne (82-43)

ADMINISTRATIVE LAW JUDGE: Andrea J. Bradley

HEARING DECISION

This matter is before the undersigned Administrative Law Judge upon the Claimant's request for a hearing made pursuant to Michigan Compiled Laws 400.9 and 400.37, which govern the administrative hearing and appeal process. After due notice, a telephone hearing was conducted from Detroit, Michigan, on Wednesday, July 6, 2011. The Claimant appeared and testified. [REDACTED], appeared and testified on behalf of the Department of Human Services (Department).

ISSUE

Whether the Department acted in accordance with Department policy when it refused to process payments under the Claimant's Child Development and Care (CDC) benefits.

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 November 30, 2011, the Claimant applied for CDC benefits but was incorrectly denied.
2. On March 1, 2011, based on the original application, the Claimant's CDC benefits were reinstated and certified.
3. The Claimant's CDC provider was certified on March 1, 2011.
4. The Department does not dispute that an error occurred in this case and forwarded the matter to the help desk on April 1, 2011, to correct the error.

5. On May 11, 2011, the Department received the Claimant's timely written request for hearing.

CONCLUSIONS OF LAW

The CDC 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 Michigan Administrative Code Rules R 400.5001-5015. Department policies are contained in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Reference Table Manual (RFT).

In this case, the testimony of both the Department and the Claimant established that the Claimant was eligible for CDC benefits beginning on March 1, 2011. Further, the Claimant's son is properly shown as active and the Claimant's child care provider is properly listed as the assigned provider. The testimony further evidenced that the Claimant's childcare provider attempted to bill for her CDC supplement on or around March 17, 2011, and that bill was denied. The Department should have allowed the childcare provider to bill for CDC supplements for services performed in March of 2011, but it failed to do so. Under this scenario, the Department failed to establish that it acted in accordance with Department policy when it denied and/or refused to process the supplement based on Claimant's active CDC benefits. Accordingly, the action taken by the Department is REVERSED.

DECISION AND ORDER

The Administrative Law Judge, based on the above findings of fact and conclusions of law, finds that the Department's denial of CDC benefits is not upheld.

Accordingly, it is ORDERED:

1. The Department's denial of the Claimant's CDC benefits in March is REVERSED.
2. The Department shall reprocess the Claimant's provider's March 17, 2011, bills in accordance with Department policy.
3. The Department shall notify the Claimant in writing of the determination in accordance with Department policy.

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4. The Department shall supplement the Claimant for any lost benefits she was otherwise eligible and qualified to receive in accordance with Department policy.



Andrea J. Bradley
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: July 21, 2011

Date Mailed: July 21, 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.

AJB/pf

cc:

