

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.: 2011-4544
Issue No.: 6000
Case No.: [REDACTED]
Hearing Date: January 12, 2011
DHS County: Wayne (82-55)

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 January 12, 2011. Claimant appeared and testified. [REDACTED] Claimant's child care provider, also appeared and testified on behalf of Claimant. [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 applied for CDC benefits.
2. On July 13, 2010, Claimant's child care provider, [REDACTED], received a background clearance from the Internet Criminal Access Tool (IACT) information source.
3. DHS failed to enter [REDACTED] background clearance information into its computer system.
4. On September 30, 2010, DHS denied CDC benefits to Claimant.
5. On October 22, 2010, Claimant filed a hearing request with DHS.

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.

In this case, Claimant's child care provider received her background clearance, but DHS failed to honor that clearance and denied CDC benefits to Claimant. At the hearing, DHS agreed to process the clearance by sending the proof of clearance to the appropriate DHS Lansing office and to provide Claimant with CDC benefits effective July 13, 2010. As a result of DHS' agreement, Claimant indicated she no longer wished to proceed with the administrative hearing.

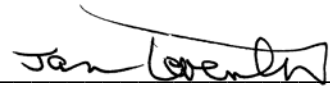
As the parties have agreed to settle their differences, it is not necessary for the Administrative Law Judge to adjudicate any issues presented.

Therefore, IT IS ORDERED that DHS shall process Claimant's background clearance documentation in order that Claimant shall receive CDC benefits beginning July 13, 2010, the date of the background clearance. This will 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 process Claimant's July 13, 2010, provider background clearance information in order to provide Claimant with appropriate CDC benefits beginning July 13, 2010, 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: January 18, 2011

Date Mailed: January 20, 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:

