

STATE OF MICHIGAN
STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES
ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF:



Reg No: 2011 9634

Issue No: 6019

Case No: [REDACTED]

Hearing Date:

February 9, 2011

Wayne County DHS (76)

ADMINISTRATIVE LAW JUDGE: Lynn M. Ferris

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 hearing. After due notice, a telephone hearing was conducted by the undersigned in Detroit, Michigan on February 9, 2011. The Claimant was present and testified. Terri Young, FIM and Mary Zurakowski, FIS appeared on behalf of the Department.

ISSUE

Whether the Department properly processed the Claimant's redetermination and stopped (CDC) payments and eligibility?

FINDINGS OF FACT

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

1. The Claimant was a Child Day Care (CDC) recipient.
2. The Claimant's CDC case was closed after a redetermination was completed and one foster child was removed from the group and a new

foster child, [REDACTED] was added to the group. Exhibit 1 Hearing Summary

3. The Claimant was eligible for CDC but did not receive benefits for the period March 22, 2010 through June 25, 2010 for [REDACTED].
4. During the period June 26, 2010 through August 15, 2010, the Claimant confirmed she was not working and thus agreed she was not eligible for CDC benefits.
5. The Claimant began working again and reapplied for CDC and did not receive CDC benefits for the period September 3, 2010 through September 25, 2010. At the hearing, the Department agreed that the Claimant was entitled to receive CDC benefits during this period for [REDACTED].
6. At the hearing, the Department agreed to issue manual supplement for CDC benefits to the Claimant for [REDACTED] for the following periods March 22, 2010 through June 25, 2010 and September 3, 2010 through September 25, 2010.
7. As a result of these agreements, Claimant indicated that she no longer wished to proceed with the remainder of the hearing.

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 contained in the Program Administrative Manual (PAM), the Program Eligibility Manual (PEM) and the Program Reference Manual (PRM).

Under Bridges Administrative Manual Item 600, clients have the right to contest any agency decision affecting eligibility or benefit levels whenever they believe the decision is illegal. The agency provides an Administrative Hearing to review the decision and determine if it is appropriate. Agency policy includes procedures to meet the minimal requirements for a fair hearing. Efforts to clarify and resolve the client's concerns start when the agency receives a hearing request and continues through the day of the hearing.

In the present case, the Department has agreed to issue manual supplements to the Claimant for CDC benefits she was otherwise eligible to receive during two periods: March 22, 2010 through June 25, 2010 and September 3, 2010 through September 25, 2010. The Department acknowledged the Claimant was eligible for CDC during these periods for [REDACTED], a foster child in the Claimant's home.

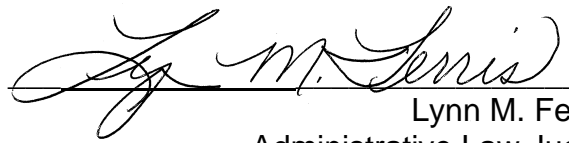
As a result of these agreements, Claimant indicated she no longer wished to proceed with the hearing. Since the Claimant and the Department have come to an agreement, it is unnecessary for this Administrative Law Judge to make a decision regarding the facts and issues in this case.

DECISION AND ORDER

The Administrative Law Judge, based upon the findings of fact and conclusions of law, finds that the Department and Claimant have come to a settlement regarding claimant's request for a hearing.

Accordingly, it is ORDERED:

1. The Department shall issue manual supplements to the Claimant for CDC benefits for [REDACTED] for which the Claimant was otherwise eligible for the two periods as follows:
 - March 22, 2010 through June 25, 2010
 - September 3, 2010 through September 25, 2010



Lynn M. Ferris
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: 02/15/11

Date Mailed: 02/16/11

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.

LMF/dj

cc:

[REDACTED]