

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 2012-38211
Issue No.: 6019
Case No.: [REDACTED]
Hearing Date: April 19, 2012
County: Lapeer

ADMINISTRATIVE LAW JUDGE: Vicki L. Armstrong

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37 following Claimant's request for a hearing. After due notice, a telephone hearing was held on April 19, 2012, from Lansing, Michigan. Participants on behalf of Claimant her mother-in-law, [REDACTED]. Participants on behalf of Department of Human Services (Department) included [REDACTED] and [REDACTED].

ISSUE

Did the Department properly process Claimant's September 2011 CDC application?

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 September 13, 2011, Claimant applied for CDC. Claimant testified she turned the application into the lobby and the lady sitting at the lobby desk, highlighted different areas and explained in great detail that Claimant's provider would have to complete Great Start in order to provide care.
2. On October 6, 2011, Claimant's CDC provider completed Great Start and submitted the Certificate of Completion to the department.
3. Claimant and Claimant's CDC provider testified that they called the department numerous times in October, November and December of 2011, to find out when Claimant's CDC provider would be receiving payment since she had completed Great Start.

4. In January 2012, Claimant was notified for the first time that the department did not have a CDC application on file and she was required to complete a new application.
5. Claimant submitted a new application in January 4, 2012, and when it was denied, requested a hearing to be heard on the issue of her September 2011 application.

CONCLUSIONS OF LAW

Department policies are contained in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM), and the Reference Tables Manual (RFT).

The Child Development and Care (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 provides services to adults and children pursuant to MCL 400.14(1) and Mich Admin Code, R 400.5001 through R 400.5015.

Claimant and Claimant's provider testified credibly that Claimant had completed and submitted a CDC application in the lobby of the department on September 13, 2011. The department testified that they had no record of ever receiving that CDC application. When asked if the log in the lobby had been checked, eligibility specialist Nathan McCrory admitted that "we don't have a very good log in the lobby." Based on Claimant's and Claimant's provider's credible testimony, and the department's admission that the log in the lobby is not accurate, the department's actions are reversed.

DECISION AND ORDER

The Administrative Law Judge, based upon the above Findings of Fact and Conclusions of Law, and for the reasons stated on the record, finds that the Department did not act properly when it lost and as a result, failed to process Claimant's September 13, 2011, CDC application.

Accordingly, the Department's CDC decision is REVERSED for the reasons stated on the record. The department is ordered to Redetermine Claimant's CDC eligibility from September 13, 2011, and award Claimant CDC benefits from October 2011 through December, 2011, if she is otherwise entitled. It is SO ORDERED.

/s/ _____
Vicki L. Armstrong
Administrative Law Judge
for Maura D. Corrigan, Director
Department of Human Services

Date Signed: 4/25/12

Date Mailed: 4/25/12

NOTICE: Michigan Administrative Hearing System (MAHS) 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. MAHS 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.

VLA/ds

■ [REDACTED]