

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

IN THE MATTER OF:



Reg. No.: 20124811
Issue No.: 6019
Case No.: [REDACTED]
Hearing Date: February 15, 2012
County: Wayne DHS (43)

ADMINISTRATIVE LAW JUDGE: Christian Gardocki

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 February 15, 2012 from Detroit, Michigan. Participants on behalf of Claimant included the above named claimant. Participants on behalf of Department of Human Services (DHS) included [REDACTED], Specialist.

ISSUE

The issue is whether DHS properly suspended or terminated Child Development and Care (CDC) benefits effective the pay period beginning 10/08/2011.

FINDINGS OF FACT

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

1. Claimant was an ongoing CDC benefit recipient.
2. On an unspecified date, DHS took some action, either a termination or suspension, of CDC benefits effective 10/8/11.
3. The basis for the suspension or termination is unknown.
4. On 10/10/11, Claimant requested a hearing to dispute the stoppage of CDC benefits and a Family Independence Program (FIP) benefit termination.
5. Claimant no longer disputes the FIP benefit termination.

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 Family Independence Program (FIP) was established pursuant to the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, Public Law 104-193, 42 USC 601, *et seq.* The Department (formerly known as the Family Independence Agency) administers FIP pursuant to MCL 400.10, *et seq.*, and Mich Admin Code, R 400.3101 through R 400.3131. FIP replaced the Aid to Dependent Children (ADC) program effective October 1, 1996.

The Food Assistance Program (FAP) [formerly known as the Food Stamp (FS) program] is established by the Food Stamp Act of 1977, as amended, and is implemented by the federal regulations contained in Title 7 of the Code of Federal Regulations (CFR). The Department (formerly known as the Family Independence Agency) administers FAP pursuant to MCL 400.10, *et seq.*, and Mich Admin Code, R 400.3001 through R 400.3015.

The Medical Assistance (MA) program is established by the Title XIX of the Social Security Act and is implemented by Title 42 of the Code of Federal Regulations (CFR). The Department of Human Services (formerly known as the Family Independence Agency) administers the MA program pursuant to MCL 400.10, *et seq.*, and MCL 400.105.

The Adult Medical Program (AMP) is established by 42 USC 1315, and is administered by the Department pursuant to MCL 400.10, *et seq.*

The State Disability Assistance (SDA) program, which provides financial assistance for disabled persons, is established by 2004 PA 344. The Department of Human Services (formerly known as the Family Independence Agency) administers the SDA program pursuant to MCL 400.10, *et seq.*, and 2000 ACS, R 400.3151 through R 400.3180.

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 requested a hearing to dispute some action that DHS took concerning ongoing CDC benefits. DHS could not verify whether the CDC benefits were terminated or suspended.

An appropriate starting place for an administrative hearing is to establish what DHS action occurred and what basis DHS had for the action. In the present case, DHS neither established what happened to Claimant's ongoing CDC benefit eligibility nor why DHS took the action.

Each parent/substitute parent of the child needing care must have a valid need reason during the time child care is requested. BEM 703 at 3. The Hearing Summary stated that DHS terminated Claimant's CDC benefits because Claimant had no need for the CDC benefits after she stopped attending a Work Participation Program (WPP). Claimant and DHS provided testimony that Claimant reported employment to DHS no later than 10/8/11. Employment is a valid need reason for CDC benefits. Thus, DHS was left to explain why Claimant's reported employment was not considered as a need reason for CDC benefits.

DHS then provided speculative testimony that Claimant failed to submit required check stubs. Typically, a failure to verify income results in a total closure of benefits. There was no evidence that Claimant's case underwent a total closure of benefits.

DHS then speculated that Claimant submitted some check stubs but not enough to justify CDC benefit eligibility. DHS could not specify which check stubs were submitted or which were needed to determine eligibility.

Based on the presented evidence, DHS failed to establish a basis for a suspension or termination of Claimant's CDC benefit eligibility. Without sufficient evidence to justify a negative action, the only logical decision is to reverse the DHS negative action.


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 act properly when .
 did not act properly when terminating or stopping Claimant's CDC benefits effective 10/8/11.

Accordingly, the Department's AMP FIP FAP MA SDA CDC decision is AFFIRMED REVERSED for the reasons stated on the record.

THE DEPARTMENT IS ORDERED TO DO THE FOLLOWING WITHIN 10 DAYS OF THE DATE OF MAILING OF THIS DECISION AND ORDER:

1. DHS shall reinstate Claimant's CDC benefit eligibility effective 10/8/11; and
2. DHS shall determine Claimant's eligibility for CDC benefits beginning 10/8/11 in accordance with DHS regulations.


Christian Gardocki
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: February 21, 2012

Date Mailed: February 21, 2012

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. (60 days for FAP cases)

The Claimant may appeal the Decision and Order to Circuit Court within 30 days of the receipt 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.

Claimant may request a rehearing or reconsideration for the following reasons:

- A rehearing **MAY** be granted if there is newly discovered evidence that could affect the outcome of the original hearing decision.
- A reconsideration **MAY** be granted for any of the following reasons:
 - misapplication of manual policy or law in the hearing decision,
 - typographical errors, mathematical error, or other obvious errors in the hearing decision that effect the substantial rights of the claimant:
 - the failure of the ALJ to address other relevant issues in the hearing decision.

Request must be submitted through the local DHS office or directly to MAHS by mail at
Michigan Administrative Hearings
Reconsideration/Rehearing Request
P. O. Box 30639
Lansing, Michigan 48909-07322

CG/hw

cc:

