

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

IN THE MATTER OF:

[REDACTED] C

Reg. No: 201215517
Issue No: 6021
Case No: [REDACTED]
Hearing Date: January 4, 2012
Kalamazoo County DHS

ADMINISTRATIVE LAW JUDGE: Christopher S. Saunders

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 a hearing. After due notice, a telephone hearing was held on January 4, 2012. The claimant personally appeared and provided testimony.

ISSUES

Whether the department properly issued the claimant Child Development and Care (CDC) benefits?

FINDINGS OF FACT

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

1. The claimant was a recipient of CDC benefits at all times pertinent to this hearing.
2. On September 28, 2011, the claimant was sent a verification checklist (DHS 3503) requesting information regarding self-employment with a due date of October 10, 2011. (Department Exhibit 1 pages 5-6).
3. On the same day, September 28, 2011, the claimant was sent a notice of case action (DHS 1605) stating that her CDC benefits would be closing effective October 23, 2011 due to the claimant allegedly failing to verify the requested information. (Department Exhibit 1 pages 1-4).
4. On November 8, 2011 the claimant was sent a notice of case action (DHS 1605) stating that her CDC benefits were approved for the period of

October 23, 2011 through November 19, 2011 and from December 4, 2011 continuing indefinitely. (Department Exhibit 1 pages 38-43).

5. The claimant filed a hearing request October 31, 2011, claiming that she had not been issued CDC benefits dating back to September 1, 2011.

CONCLUSIONS OF LAW

The regulations governing the hearing and appeal process for applicants and recipients of public assistance in Michigan are found in the Michigan Administrative Code, MAC R 400.901-400.951. An opportunity for a hearing shall be granted to an applicant who requests a hearing because his claim for assistance is denied. MAC R 400.903(1)

Clients have the right to contest a department decision affective eligibility for benefit levels whenever it is believed that the decision is incorrect. BAM 600. The department will provide an administrative hearing to review the decision and determine the appropriateness of that decision. BAM 600.

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 (DHS or Department) provides services to adults and children pursuant to MCL 400.14(1) and MAC R 400.5001-5015. Department policies are found in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM), Reference Table Manual (RFT), and the Bridges Reference Manual (BRM).

In the case at hand, the claimant stated that she had not received CDC benefits during the period of September 1, 2011 through November 19, 2011. The department was not able to verify what benefits had in fact been issued to the claimant nor were they able to provide any reason for the closure of benefits aside from the notice of case action from September 28, 2011. The department stated that based on the notices of case action from September 28 and from November 8, it appeared that there should have been no gap in CDC coverage for the claimant. The department agreed that the claimant should have been awarded benefits during the periods in question and that there should have been no gap in coverage. The claimant agreed that if the proper benefits were issued during the time period in question that this would alleviate her need for a hearing.

MCL 24.278(2) provides a disposition may be made of a contested case by stipulation or agreed settlement. In the case at hand, the department representative testified that it was the opinion of the department that the claimant was entitled to CDC benefits during the period of September 1, 2011 through November 19, 2011. Therefore, the parties agree that the proper action to be taken in this matter is to issue CDC benefits for the time period in question. Because both parties agree as to what action should be taken to resolve the issue, this action may be disposed of by stipulation.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the department did not properly issue CDC benefits to the claimant during the time period of September 1, 2011 through November 19, 2011.

Accordingly, the department's actions are **REVERSED**. It is HEREBY ORDERED that the department shall determine what CDC benefits if any were issued to the claimant during the period of September 1, 2011 through November 19, 2011. If applicable, the department shall issue any CDC benefits that the claimant is otherwise entitled to receive during said time period.

/s/ _____
Christopher S. Saunders
Administrative Law Judge
for Maura D. Corrigan, Director
Department of Human Services

Date Signed: January 9, 2012

Date Mailed: January 9, 2012

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 60 days of the filing of the original request.

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.

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