

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

IN THE MATTER OF:



Reg. No.: 201232895
Issue No.: 6000
Case No.: [REDACTED]
Hearing Date: June 6, 2012
County: Oakland DHS (03)

ADMINISTRATIVE LAW JUDGE: Christian Gardocki

SETTLEMENT ORDER

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 June 6, 2012, from Detroit, Michigan. Participants included the above named claimant. Participants on behalf of the Department of Human Services (Department) included [REDACTED], Specialist, and [REDACTED], Manager.

ISSUE

The issue is whether DHS properly terminated Claimant's eligibility for Child Development and Care (CDC) benefits for the period of 2/12/12-2/25/12 due to an alleged failure by Claimant to submit redetermination documents.

FINDINGS OF FACT

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

1. On 1/20/12, DHS initiated termination of Claimant's CDC benefit eligibility effective 2/12/12 based on an alleged failure by Claimant to timely return redetermination documentation.
2. DHS conceded that Claimant timely returned redetermination documentation and that the CDC benefit termination was improper.
3. DHS eventually reinstated Claimant's CDC benefit eligibility for the pay period beginning 2/26/12 and future pay periods.

4. On 1/27/12, Claimant filed a request for hearing to dispute the failure by DHS to reinstate CDC benefit eligibility for the pay period of 2/12/12-2/25/12.

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 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) and the Reference Tables Manual (RFT).

The law provides that disposition may be made of a contested case by stipulation or agreed settlement. MCL 24.278(2). In the present case, Claimant requested a hearing to dispute a CDC benefit termination effective the pay period 2/12/12. DHS realized the termination was improper and reinstated Claimant's CDC benefit eligibility beginning 2/26/12. The DHS reinstatement failed to address Claimant's eligibility for the pay period of 2/12/12-2/25/12. A testifying DHS representative acknowledged the failure to fully reinstate Claimant's CDC benefit eligibility. DHS proposed to reinstate Claimant's CDC benefit eligibility for the pay period of 2/12/12-2/25/12. Claimant accepted the DHS proposal. As the agreement appears to comply with DHS regulations, the settlement among the parties shall be accepted.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact, conclusions of law and by agreement of the parties, finds that DHS improperly terminated Claimant's CDC benefit eligibility effective 2/12/12. It is ordered that DHS reinstate Claimant's CDC benefit eligibility for the pay period of 2/12/12-2/25/12. The actions taken by DHS are REVERSED.



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

Date Signed: June 14, 2012

Date Mailed: June 14, 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 to:

Michigan Administrative Hearings
Reconsideration/Rehearing Request
P. O. Box 30639
Lansing, Michigan 48909-07322

CG / hw

cc:

