

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

**IN THE MATTER OF:**

[REDACTED]

Reg. No.: 201323617  
Issue No.: 1000, 6019  
Case No.: [REDACTED]  
Hearing Date: February 21, 2013  
County: Wayne DHS (31)

**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 21, 2013, from Detroit, Michigan. Participants included the above-named claimant. Participants on behalf of Department of Human Services (DHS) included [REDACTED], Specialist.

**ISSUE**

The issue is whether DHS properly failed to process Claimant's application for Child Development and Care (CDC) benefits

**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 8/13/12, Claimant applied for Family Independence Program (FIP) benefits.
2. On 9/4/12, Claimant submitted a CDC benefit application to DHS.
3. DHS failed to register Claimant's CDC application.
4. On 10/12/12, DHS denied Claimant's FIP benefit application due to an alleged failure by Claimant to comply with Work Participation Program (WPP) attendance requirements.
5. DHS failed to process Claimant's CDC benefit eligibility because DHS claimed that Claimant failed to submit a CDC benefit application.

6. On 10/31/12, Claimant requested a hearing to dispute the denial of FIP benefits and the DHS failure to process CDC benefit eligibility.
7. On an unspecified date, DHS reinstated Claimant's FIP benefit application and issued FIP benefits to Claimant.
8. Claimant testified that she no longer has a dispute concerning FIP benefit eligibility.

### **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).

For all programs, the date of application is the date that the local office receives the required minimum information on an application or the filing form. BAM 110 (5/2012), p. 4. DHS is to record the date of application on the application or filing form. *Id.*


Claimant contended that she submitted a CDC benefit application to DHS on 9/4/12. Claimant testified that she submitted the application to a DHS staff person working at the front desk, who date stamped the application and returned a copy of the front application page to Claimant. It was not disputed that DHS never registered Claimant's CDC benefit application. The testifying DHS specialist was Claimant's specialist at the time of the application submission. The specialist testified that she never received Claimant's CDC application.

During the hearing, Claimant presented DHS with the first page of her application which was date stamped by DHS. The specialist examined the document and did not raise any concerns about the document's authenticity. Claimant's date stamped copy of a CDC application is persuasive evidence of an application submission to DHS. It is reasonably possible that Claimant's CDC application was lost prior to reaching her assigned specialist. It is found that Claimant submitted a CDC benefit application to DHS and that DHS failed to process Claimant's application.

### **DECISION AND ORDER**

The Administrative Law Judge, based upon the agreement of the parties, finds that Claimant has no ongoing dispute concerning FIP benefit eligibility. Claimant's hearing request is PARTIALLY DISMISSED.

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that DHS improperly failed to process Claimant's eligibility for CDC benefits. It is ordered that DHS register Claimant's request for CDC benefits for 9/4/12. The actions taken by DHS are REVERSED.

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

Date Signed: 2/22/2013

Date Mailed: 2/22/2013

**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:

