

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

IN THE MATTER OF:

██████████
██████████
██████████

Reg. No.: 2013-48946
Issue No.: 6027
Case No.: ██████████
Hearing Date: July 10, 2013
County: Wayne (49)

ADMINISTRATIVE LAW JUDGE: Susan C. Burke

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 hearing was held on July 10, 2013, in Detroit, Michigan. Participants on behalf of Claimant included Claimant and ██████████. Claimant was represented by ██████████ of ██████████. Participants on behalf of the Department of Human Services (Department) included ██████████ ES.

ISSUE

Did the Department properly process Claimant's application for CDC?

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 attempted to apply for Child Development and Care (CDC) on March 8, 2013.
2. The Department worker with whom Claimant spoke told Claimant to wait for another day when Claimant's assigned worker was present.
3. Claimant attempted to make an appointment with the assigned worker, but the assigned worker was on medical leave.
4. The Department allowed Claimant to apply on April 2, 2013 and the Department processed the application of April 2, 2013.

5. Claimant requested a hearing on May 24, 2013, protesting the Department's refusal to allow her to apply on March 8, 2013.

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 1999 AC, Rule 400.5001 through Rule 400.5015.

BAM 105, p. 9, instructs the Department to inform people about programs available to them, and their right to apply for benefits under the programs. In the present case, Claimant testified credibly that she indicated to a Department worker on the phone that she intended to apply for CDC on March 8, 2013, but the Department worker told Claimant she could not apply that day because Claimant's Department worker was not available. However, BAM 105 does not specify that a person may only apply when her worker is present in the Department office. The Department worker was therefore not correct when she informed Claimant that she did not have a right to apply on March 8, 2013. Further, the Department did not protect Claimant's rights, as instructed in BAM 105, p.1.

Based upon the above Findings of Fact and Conclusions of Law, and for the reasons stated on the record, the Administrative Law Judge concludes that the Department improperly processed Claimant's application for CDC.

DECISION AND ORDER

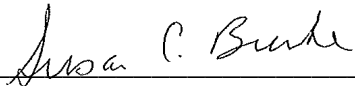
The Administrative Law Judge, based upon the above Findings of Fact and Conclusions of Law, and for the reasons stated on the record, finds that the Department did not act properly.

Accordingly, the Department's CDC decision is REVERSED for the reasons stated within the record.

THE DEPARTMENT SHALL BEGIN THE PROCESS OF THE FOLLOWING STEPS WITHIN TEN DAYS OF THE MAILING OF THIS ORDER:

1. Initiate reinstatement and reprocessing of Claimant's CDC application, with the effective date of March 8, 2013.

2. Notify Claimant in writing of the Department's determination regarding Claimant's eligibility for the program.
3. Issue CDC supplements, if Claimant is found to be eligible, in accordance with Department policy.



Susan C. Burke
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: July 18, 2013

Date Mailed: July 19, 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 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

SCB/tm

cc: 