

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

IN THE MATTER OF:



Reg. No.: 2013-34211
Issue No.: 6015
Case No.: [REDACTED]
Hearing Date: July 31, 2013
County: Genesee County DHS #2

ADMINISTRATIVE LAW JUDGE: Landis Y. Lain

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, an in person hearing was held on July 31, 2013, from Flint, Michigan. Participants on behalf of Claimant included Claimant. Participants on behalf of the Department of Human Services (Department) included [REDACTED], Eligibility Specialist.

ISSUE

Whether the Department properly denied Claimant's application for benefits For Child Development and Care (CDC)?

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 October 22, 2012 claimant applied for CDC.
2. On November 16, 2012 the department caseworker sent claimant a DHS-3503 verification checklist with information due by November 26, 2012.
3. On December 6, 2012 the department caseworker sent claimant notice that all verifications were not received and denied claimant application for failure to comply with verification request.
4. On January 14, 2013 claimant reapplied for CDC.
5. On February 20, 2013 the department approved CDC.

6. On March 4, 2013 claimant submitted a request for a hearing to contest the department's negative action for the October 22, 2012 application.
7. On March 12, 2013, the department submitted a help desk [REDACTED] # [REDACTED] to properly process the October 22, 2012 application.
8. At the hearing, the department conceded on the record that it had not properly processed claimant October 22, 2012 application and agreed to reprocess the application.

CONCLUSIONS OF LAW

Department policies are found in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM), the Reference Tables Manual (RFT), and the State Emergency Relief Manual (ERM).

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.

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 the Department's action. Soon after commencement of the hearing, the department conceded on the record that claimant's application was not properly processed and agreed to reinstate claimant's October 22, 2012 application for CDC benefits, reprocess the application and determine eligibility or lack thereof for claimant from October 22, 2012-January 14, 2013. Claimant agreed to allow the department to reprocess the application.

DECISION AND ORDER

The Administrative Law Judge concludes that the Department and Claimant have come to a settlement regarding Claimant's request for a hearing.

THE DEPARTMENT IS ORDERED TO INITIATE THE FOLLOWING ACTION WITHIN TEN DAYS OF THE MAILING DATE OF THIS ORDER:

1. Reinstate claimant's October 22, 2012 application for CDC benefits, reprocess the application in accordance with department policy and determine eligibility or lack thereof for claimant from October 22, 2012-January 14, 2013.

/s/
Landis Y. Lain
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: 8/2/13

Date Mailed: 8/2/13

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.

LYL/hj

cc:

