

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

IN THE MATTER OF:

██████████
██████████
██████████

Reg. No.: 14-006928
Issue No(s): 3000, 6003
Case No.: ██████████
Hearing Date: August 14, 2014
County: Macomb (20)

ADMINISTRATIVE LAW JUDGE: Jacquelyn A. McClinton

HEARING DECISION

Following Claimant's request for a hearing, this matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and 400.37; 7 CFR 273.15 to 273.18; 42 CFR 431.200 to 431.250; 45 CFR 99.1 to 99.33; and 45 CFR 205.10. After due notice, a telephone hearing was held on August 14, 2014, from Detroit, Michigan. Participants on behalf of Claimant included Claimant. Participants on behalf of the Department of Human Services (Department) included ██████████ ██████████, Hearing Facilitator.

ISSUE

Did the Department properly pay eligible child care expenses under the Child Development and Care (CDC) program prior to benefits ending?

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 was an ongoing Food Assistance Program (FAP) recipient.
2. Claimant was also an ongoing CDC recipient.
3. On July 3, 2014, Claimant submitted a Redetermination which included the income of another household member.
4. On July 3, 2014, the Department sent Claimant a Notice of Case Action notifying her that her CDC benefits would end effective July 24, 2014 because her household exceeded the gross income limit allowable to receive benefits.

5. Claimant has unpaid child care expenses from June 19, 2014 through July 27, 2014.
6. On July 10, 2014, Claimant filed a Request for Hearing disputing the Department's actions.

CONCLUSIONS OF LAW

Department policies are contained in the Department of Human Services Bridges Administrative Manual (BAM), Department of Human Services Bridges Eligibility Manual (BEM), Department of Human Services Reference Tables Manual (RFT), and Department of Human Services Emergency Relief Manual (ERM).

The Food Assistance Program (FAP) [formerly known as the Food Stamp program] is established by the Food Stamp Act of 1977, as amended, 7 USC 2011 to 2036a and is implemented by the federal regulations contained in 7 CFR 273. The Department (formerly known as the Family Independence Agency) administers FAP pursuant to MCL 400.10, the Social Welfare Act, MCL 400.1-.119b, and Mich Admin Code, R 400.3001 to .3015.

The Child Development and Care (CDC) program is established by Titles IVA, IVE and XX of the Social Security Act, 42 USC 601-619, 670-679c, and 1397-1397m-5; the Child Care and Development Block Grant of 1990, PL 101-508, 42 USC 9858 to 9858q; and the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, PL 104-193. The program is implemented by 45 CFR 98.1-99.33. The Department administers the program pursuant to MCL 400.10 and provides services to adults and children pursuant to MCL 400.14(1) and Mich Admin Code, R 400.5001-.5020.

FAP

Claimant requested a hearing disputing the Department's actions taken with respect to the FAP benefits. Shortly after commencement of the hearing, Claimant testified that she now understood the actions taken by the Department regarding her FAP benefits and did not wish to proceed with the hearing. The Request for Hearing relating to Claimant's FAP benefits was withdrawn. The Department agreed to the dismissal of the hearing request relating to Claimant's FAP benefits.

CDC

Additionally, Claimant stated that she understood the Department's actions regarding the closure of her CDC benefits. Claimant testified that she did not wish to contest the closure but she wanted the Department to pay outstanding daycare costs which she incurred from June 19, 2014 through the closure of her CDC benefits.

On July 3, 2014, the Department processed a Redetermination submitted by Claimant which included the income of another household member. After determining Claimant's eligibility for CDC benefits, the Department sent Claimant a Notice of Case Action on

July 3, 2014 notifying her that her CDC benefits would end effective July 27, 2014 due to excess income. The Department stated that its records showed that Claimant's child care provider was issued payments on June 19, 2014 and June 26, 2014. However, the Department was aware that the child care provider has stated that payment for these dates has not been received. The Department confirmed that no payments have been made by the Department since June 26, 2014. The Department acknowledged that any outstanding daycare costs prior to July 27, 2014 should be paid by the Department as Claimant was eligible for CDC benefits during this period.

The Administrative Law Judge, based on the above Findings of Fact and Conclusions of Law, and for the reasons stated on the record, if any, finds that the Department did not act in accordance with policy when it failed to issue CDC payments through July 27, 2014.

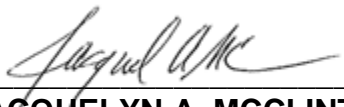
DECISION AND ORDER

Accordingly, the Department's decision is **AFFIRMED** in part and **REVERSED** in part.

Pursuant to the withdrawal of the hearing request filed in this matter, the Request for Hearing with respect to FAP benefits is hereby, **DISMISSED**.

THE DEPARTMENT IS ORDERED TO BEGIN DOING THE FOLLOWING, IN ACCORDANCE WITH DEPARTMENT POLICY AND CONSISTENT WITH THIS HEARING DECISION, WITHIN 10 DAYS OF THE DATE OF MAILING OF THIS DECISION AND ORDER:

1. Issue CDC payments to Claimant's approved child care provider for any child care costs incurred through July 27, 2014.


JACQUELYN A. MCCLINTON
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: August 19, 2014

Date Mailed: August 19, 2014

NOTICE OF APPEAL: A party may appeal this Hearing Decision in the circuit court in the county in which he/she resides or has its principal place of business in the State, or the circuit court in Ingham County, within 30 days of the receipt date.

A party may request a rehearing or reconsideration of this Hearing Decision from the Michigan Administrative Hearing System (MAHS) within 30 days of the mailing date of this Hearing Decision, or MAHS may order a rehearing or reconsideration on its own motion.

MAHS may grant a party's Request for Rehearing or Reconsideration when one of the following exists:

- Newly discovered evidence that existed at the time of the original hearing that could affect the outcome of the original hearing decision;
- Misapplication of manual policy or law in the hearing decision which led to a wrong conclusion;
- Typographical, mathematical or other obvious error in the hearing decision that affects the rights of the client;
- Failure of the ALJ to address in the hearing decision relevant issues raised in the hearing request.

The party requesting a rehearing or reconsideration must specify all reasons for the request. MAHS will not review any response to a request for rehearing/reconsideration. A request must be *received* in MAHS within 30 days of the date this Hearing Decision is mailed.

A written request may be faxed or mailed to MAHS. If submitted by fax, the written request must be faxed to (517) 335-6088 and be labeled as follows:

Attention: MAHS Rehearing/Reconsideration Request

If submitted by mail, the written request must be addressed as follows:

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

JAM/cl

cc: [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]