

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

IN THE MATTER OF:



MAHS No.: 2011-32003 RECON
Reg. No.: 2010-45905
Issue No.: 6019
Case No.: [REDACTED]
DHS County: Oakland (63-04)

ADMINISTRATIVE LAW JUDGE: Colleen M. Mamelka

ORDER OF RECONSIDERATION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 24.287(1) and 1993 AACS R 400.919 upon the request of the Claimant.

ISSUE

Whether the Administrative Law Judge (“ALJ”) erred when she reversed the Department of Human Services’ (“Department”) denial of the Claimant’s Child Development & Care (“CDC”) redetermination application?

FINDINGS OF FACT

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

1. On October 25, 2011, ALJ Jan Leventer issued a Hearing Decision reversing the closure of the Claimant’s CDC benefits.
2. On November 9, 2010, the Michigan Administrative Hearing System (“MAHS”), formerly the State Office of Administrative Hearings & Rules (“SOAHR”), received the Department’s Request for Reconsideration.
3. On March 30, 2011, MAHS issued an Order of Dismissal of the Department’s Request for Reconsideration.
4. On May 10, 2011, MAHS issued an Order Vacating the Order of Dismissal of the Request for Rehearing/Reconsideration.

5. Findings of Facts 1 – 9 from the October 25, 2011, Hearing Decision are incorporated by reference.

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 (formerly known as the Family Independence Agency) provides services to adults and children pursuant to MCL 400.14(1) and MAC R 400.5001-5015. Department policies are contained in the Bridges Administrative Manual (“BAM”), the Bridges Eligibility Manual (“BEM”), and the Bridges Reference Manual (“BRM”).

The goal of the CDC program is to preserve the family unit and to promote its economic independence and self-sufficiency by promoting safe, affordable, accessible, quality child care for qualified families. BEM 703. DHS may provide payment for child care services for qualifying families when the parent(s)/substitute parent(s) is unavailable to provide the child care because of employment, education, and/or because of a health/social condition for which treatment is being received and care is provided by an eligible provider. BEM 703. The client is responsible for obtaining any requested verifications needed to determine eligibility. BEM 702. Clients must cooperate with the local office in determining initial and ongoing eligibility to include the completion of the necessary forms. BAM 105. The client must completely and truthfully answer all questions on forms and in interviews. BEM 105.

In this case, the ALJ found that the Department complied with Department policy yet ultimately reversed the denial of the CDC redetermination application because the Claimant had “mistakenly” failed to include two foster children on the application. In reviewing the application, the Claimant listed two daughters and two foster children that she noted had no longer lived with her. The Department relied upon this information regarding household members when it processed the application. Importantly, at the time of closure, the Department was unaware that the Claimant had failed to include, by mistake or otherwise, the two “new” foster children under her care. Holding the Department accountable for mistakes made by applicants regarding household members places an undue, and unfair, burden on the Department. The Claimant’s remedy was to file a new application. Under these facts, it is found that the ALJ erred when she reversed the Department’s denial of the Claimant’s CDC redetermination application. Accordingly, it is found that the Department acted in accordance with Department policy when it denied the Claimant’s CDC redetermination application.

DECISION AND ORDER

The undersigned Administrative Law Judge, based on the above findings of fact and conclusions of law, finds the ALJ erred when she reversed the Department's denial of the Claimant's CDC redetermination application.

Accordingly, it is ORDERED:

1. The October 25, 2010, Hearing Decision is VACATED.
2. The Department's May 4, 2010, denial of the CDC redetermination application is AFFIRMED.

Colleen M. Mamelka

Colleen M. Mamelka

Administrative Law Judge
For Maura Corrigan, Director
Department of Human Services

Date Signed: May 16, 2011

Date Mailed: May 17, 2011

NOTICE: The law provides that within 30 days of receipt of the above Reconsideration Decision and Order, the claimant may appeal it to the circuit court for the county in which he/she lives.

CMM/pf

cc:

