

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

IN THE MATTER OF:



Reg. No.: 2012-28042
Issue No.: 6021
Case No.: [REDACTED]
Hearing Date: May 9, 2012
County: Wayne (35)

ADMINISTRATIVE LAW JUDGE: Colleen M. Mamelka

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 conducted from Detroit, Michigan on Wednesday, May 09, 2012. The Claimant appeared and testified. Participating on behalf of the Department of Human Services ("Department") was [REDACTED].

ISSUE

Whether the Department acted in accordance with policy when it terminated the Claimant's Child Care & Development ("CDC") benefits effective January 1, 2012?

FINDINGS OF FACT

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

1. The Claimant is a CDC recipient.
2. On November 15, 2011, the Department mailed a redetermination packet to the Claimant regarding her CDC benefits which was due by December 1, 2011. (Exhibit 2)
3. The packet was not received by the due date.
4. On December 17, 2011, the Department sent a Notice of Case Action to the Claimant informing her that her CDC benefits would terminate effective January 1, 2012 based on the failure to complete the review process. (Exhibits 1, 5)

5. On December 28, 2011, the Department received the Claimant's timely written request for hearing.
6. The Claimant's CDC case closed effective January 1, 2012. (Exhibit 3)

CONCLUSIONS OF LAW

Department policies are contained in the Bridges Administrative Manual ("BAM"), the Bridges Eligibility Manual ("BEM"), and the Bridges Reference Tables ("RFT").

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 provides services to adults and children pursuant to MCL 400.14(1) and Mich Admin Code, Rules 400.5001 through R 400.5015.

The goal of 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. The Department 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. The client is allowed a full 10 calendar days from the date verification is requested to provide the requested information. BEM 702.

All child care providers must be enrolled in Provider Management in order to receive payment from the Department. BEM 704. Enrolled providers are assigned an ID number which differs from the provider's tax ID or license number. BEM 704. The provider ID is necessary to authorize CDC payments. BEM 704.

In this case, the Department activated CDC benefits for 2011. In or about July 2011, the Claimant's child care provider moved to a new location and changed its name. As a result, the provider was required to secure a new ID number that corresponded with the newly created entity. The Department was never notified of the change in entities and, as such, never issued a new ID number. Absent the ID number, CDC benefits could no longer be authorized.

In November 2011, the Department sent a redetermination packet to the Claimant requesting the verifications be submitted by December 1, 2011. The Claimant denied receipt of the packet and no verifications were submitted. The Department was unable to complete the redetermination resulting in a Notice of Case Action being generated, informing the Claimant that the CDC benefits were scheduled for closure effective January 1, 2012 based on the failure to complete the review process. Despite the

Claimant's timely hearing request, which should have deleted the negative case action, the Claimant's benefits closed effective January 1, 2012. That being stated, the Department cured this error by having the Claimant submit a new application. The Department activate CDC benefits with no lack of coverage.

During the hearing, the Claimant questioned why CDC benefits were not paid to the provider from approximately July through December. During this time, although the Department had activated CDC benefits, payment was not authorized to the "new" provider because a new ID number was needed. Although the Claimant discussed the issue with the provider, she did not notify the Department of the change in circumstance. The Claimant testified that she was unaware that the change needed to be reported because the "new" provider was the same individual just operating at a different location under a new name. The provider did not seek a new ID number as required. As such, the Department was not aware of any CDC payments not paid. Ultimately, the Department established it acted in accordance with Department policy when it activated CDC benefits for the Claimant.

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 acted in accordance with Department policy when it activated CDC coverage.

Accordingly, it is ORDERED:

The Department's determination is AFFIRMED.

Colleen M. Mamelka

Colleen M. Mamelka
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: May 18, 2012

Date Mailed: May 18, 2012

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

CMM/cl

cc:

