

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

**IN THE MATTER OF:**

[REDACTED]

Reg. No.: 201244539  
Issue No.: 6019  
Case No.: [REDACTED]  
Hearing Date: August 1, 2012  
County: Wayne DHS (76)

**ADMINISTRATIVE LAW JUDGE:** Christian Gardocki

**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 held on August 1, 2012 from Detroit, Michigan. Participants included the above named claimant. Participants on behalf of Department of Human Services (DHS) included [REDACTED], Specialist, and [REDACTED], Manager.

**ISSUE**

The issue is whether DHS properly terminated Claimant's eligibility for Child Development and Care (CDC) benefits due to a failure to submit a Redetermination.

**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 CDC benefit recipient.
2. Claimant's CDC benefit eligibility was subject to redetermination, due to the ending of a benefit period.
3. On 2/14/12, DHS mailed Claimant a Redetermination (Exhibit 1) for CDC benefits.
4. Claimant failed to return the Redetermination to DHS.
5. On 3/19/12, DHS initiated termination of CDC benefit eligibility, effective 4/7/12, due to Claimant's failure to return the Redetermination.

6. On 3/29/12, Claimant requested a hearing concerning the DHS case action from 3/19/12.

### **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 Mich Admin Code, R 400.5001 through R 400.5015.

DHS must periodically redetermine an individual's eligibility for benefit programs. BAM 210 at 1. A complete redetermination is required at least every 12 months. *Id.*

The redetermination process begins with DHS mailing a redetermination packet in the month prior to the end of the benefit period. *Id.* at 4. The packet consists of forms and requests for verification that are necessary for DHS to process the redetermination. The forms needed for redetermination may vary, though a Redetermination (DHS-1010) is an acceptable review form for all programs. If the redetermination packet is not logged in by the last working day of the redetermination month, Bridges (the DHS database) automatically closes the FAP benefits. *Id.*

The present case concerns a termination of CDC benefits due to Claimant's failure to return a Redetermination to DHS. Claimant contended that she did not return the Redetermination because she did not receive it.

The proper mailing and addressing of a letter creates a presumption of receipt. That presumption may be rebutted by evidence. *Stacey v Sankovich*, 19 Mich App 638 (1969); *Good v Detroit Automobile Inter-Insurance Exchange*, 67 Mich App 270 (1976).

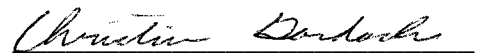
DHS is known to mail documents through their computer system, Bridges, thereby reducing the element of human error. The mailing address on the Redetermination (Exhibit 1) matched Claimant's mailing address provided at the hearing. Claimant conceded that her address has not changed since the mailing of the Redetermination. No evidence was presented to raise doubts that the Redetermination was mailed and successfully delivered to Claimant's address.

It did not help Claimant that she testified that she did not receive a Notice of Case Action informing her of the CDC closure. Her hearing request submission was on a form which is known to be attached to a Notice of Case Action. Claimant must have received the Notice of Case Action if she submitted a hearing request on a form attached to the Notice of Case Action.

Based on the presented evidence, it is found that Claimant received the Redetermination concerning CDC benefit eligibility. Accordingly, DHS properly terminated Claimant's CDC benefit eligibility due to Claimant's failure to return the Redetermination.

**DECISION AND ORDER**

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that DHS properly terminated Claimant's CDC benefit eligibility effective 4/8/12. The actions taken by DHS are AFFIRMED.

  
Christian Gardocki  
Administrative Law Judge  
for Maura Corrigan, Director  
Department of Human Services

Date Signed: August 2, 2012

Date Mailed: August 2, 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 to:

Michigan Administrative Hearings  
Reconsideration/Rehearing Request  
P. O. Box 30639

201244539/CG

Lansing, Michigan 48909-07322

CG/hw

cc:

