

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

IN THE MATTER OF:



Reg. No.: 201325756
Issue No.: 6019
Case No.: [REDACTED]
Hearing Date: May 20, 2013
County: Wayne (57)

ADMINISTRATIVE LAW JUDGE: Alice C. Elkin

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 May 20, 2013, from Detroit, Michigan. Participants on behalf of Claimant included [REDACTED] Claimant's mother and Authorized Hearing Representative (AHR). Participants on behalf of the Department of Human Services (Department) included [REDACTED], Eligibility Specialist.

ISSUE

Did the Department properly deny Claimant's Child Development and Care (CDC) benefits between April 22, 2012 and November 3, 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. On January 4, 2013, the Department sent Claimant a Notice of Case Action informing her that she was ineligible for CDC benefits for any of her five children between April 22, 2012 and November 3, 2012, because she lacked a need for CDC benefits during that period.
2. On January 10, 2013, 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), and Department of Human Services 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.

Additionally, the Department sent Claimant a Notice of Case Action on January 4, 2013, notifying her that she lacked a need for CDC benefits between April 22, 2012 and November 3, 2012. Claimant filed a hearing request concerning her CDC benefits and referencing the January 4, 2013 Notice of Case Action.

At the hearing, the Department testified that, contrary to the Notice of Case Action, Claimant had a valid need for CDC benefits between April 22, 2012 and November 3, 2012, based on employment. See BEM 703 (April 2012), pp 3-10. The Department further acknowledged that, although Claimant's CDC case closed on February 7, 2013, because Claimant's provider's unlicensed provider certification had expired, the provider was properly certified between April 22, 2012 and November 3, 2012. Based on the Department's testimony concerning the circumstances applicable to Claimant's case between April 22, 2012 and November 3, 2012, the Department failed to satisfy its burden of showing that it acted in accordance with Department policy when it denied Claimant's CDC benefits between April 22, 2012 and November 3, 2012.

At the hearing, the Department worker also testified that after the January 4, 2013 Notice of Case Action was sent to Claimant, she informed Claimant by phone and through a Quick Note that her provider's certification period expired February 7, 2013. Because that action arose after Claimant filed her January 10, 2013 request for hearing, it is not considered in this Hearing Decision.


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 did not act in accordance with Department policy when it denied Claimant's CDC benefits between April 22, 2012 and November 3, 2012.

Accordingly, the Department's decision is REVERSED.

THE DEPARTMENT IS ORDERED TO DO THE FOLLOWING WITHIN 10 DAYS OF THE DATE OF MAILING OF THIS DECISION AND ORDER:

1. Reinstate Claimant's CDC case as of April 22, 2012;
2. Allow Claimant's provider to bill the Department for CDC services rendered on Claimant's behalf between April 22, 2012 and November 3, 2012;
3. Issue payments to Claimant's provider for CDC benefits Claimant is eligible to receive between April 22, 2012 and November 3, 2012;
4. Notify Claimant in writing of its decision; and
5. Complete each requirement in accordance with Department policy.


Alice C. Elkin
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: 5/29/2013

Date Mailed: 5/29/2013

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

201325756/ACE

P. O. Box 30639
Lansing, Michigan 48909-07322

ACE/hw

cc:

