

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

**IN THE MATTER OF:**

██████████  
██  
██

Reg. No.: 2013-27353  
Issue No.: 6021;2018  
Case No.: ██████████  
Hearing Date: May 23, 2013  
County: Wayne (18)

**ADMINISTRATIVE LAW JUDGE:** Zainab Baydoun

**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 23, 2013, from Detroit, Michigan. Claimant appeared and testified. Participants on behalf of the Department of Human Services (Department) included ██████████ JET Case Worker.

**ISSUE**

Did the Department act in accordance with Department policy when it processed Claimant's cases for Medical Assistance (MA) and Child Development Care (CDC) ?

**FINDINGS OF FACT**

The Administrative Law Judge, based upon the competent, material, and substantial evidence on the whole record, including testimony of witnesses, finds as material fact:

1. Claimant and his two children were ongoing recipients of MA.
2. There was a lapse in Claimant's CDC benefits for the period of June 2, 2012 through October 31, 2012.
3. On January 30, 2013, Claimant filed a hearing request disputing the Department's actions.

## **CONCLUSIONS OF LAW**

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

### **MA**

The Medical Assistance (MA) program is established by the Title XIX of the Social Security Act and is implemented by Title 42 of the Code of Federal Regulations. The Department, formerly known as the Family Independence Agency, administers the MA program pursuant to MCL 400.10, et seq., and MCL 400.105.

Additionally, Claimant requested a hearing regarding a letter he received from the Department with information concerning his MA case. Claimant and his two children were receiving MA under the Low Income Families program. Claimant and his children then began receiving MA coverage under the Transitional Medicaid program. At the hearing, the Department testified that Claimant and his two children had active and ongoing MA coverage from October 1 2012 through February 1, 2013 and although the type of program changed, there was no lapse in MA for Claimant and his children. The Department presented an Individual Medicaid Eligibility Search for each group member verifying the ongoing and active full MA coverage. (Exhibits 1-3). Claimant testified that prior to the hearing he was not aware that he and his children had active MA coverage and indicated that he no longer had an issue concerning his MA. Therefore, the Department acted in accordance with Department policy when it processed Claimant's MA case.

### **CDC**

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 1997 AACRS R 400.5001-5015.

Claimant requested a hearing concerning a lapse in CDC benefits that he was entitled to receive for the period of June 2, 2012 through October 31, 2012. At the hearing, the Department testified that Claimant was eligible to receive CDC benefits for this period, as he was an ongoing recipient of Extended Family Independence Program (EFIP) benefits throughout this time. The Department acknowledged that due to a technical issue with the Bridges system, it was not able to issue Claimant's CDC provider the benefits, despite Claimant being

eligible to receive them. Therefore, the Department did not act in accordance with Department policy when it processed Claimant's CDC case.

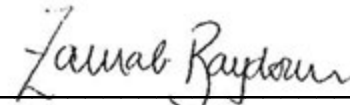
**DECISION AND ORDER**

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 processed Claimant's MA case. Accordingly, the Department's MA decision is AFFIRMED.

It is further found that the Department did not act in accordance with Department policy when it processed Claimant's CDC case. Accordingly, the Department's CDC 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. Activate Claimant's CDC coverage for the period June 2, 2012 through October 31, 2012; and
2. Begin issuing supplements to Claimant's Child Care Provider for any CDC benefits that he was entitled to receive but did not from June 2, 2012 through October 31, 2012 if otherwise eligible and qualified.



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**Zainab Baydoun**  
Administrative Law Judge  
for Maura Corrigan, Director  
Department of Human Services

Date Signed: June 12, 2013

Date Mailed: June 12, 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:

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- 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 affect the substantial rights of the claimant:
  - 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

ZB/cl

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