

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

**IN THE MATTER OF:**

[REDACTED]

Reg. No.: 201327725  
Issue No.: 6015  
Case No.: [REDACTED]  
Hearing Date: May 23, 2013  
County: Wayne County (#57)

**ADMINISTRATIVE LAW JUDGE: MICHELLE HOWIE**

**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 on Thursday, May 23, 2013, from Detroit, Michigan. Participants on behalf of Claimant included the Claimant and her mother ([REDACTED]). Participant on behalf of Department of Human Services (Department) was [REDACTED] (Family Independence Specialist).

**ISSUE**

Whether the Department properly denied the Claimant's Child Developmental Care (CDC) application?

**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 November 20, 2012, the Department received the Claimant's application for CDC benefits.
2. The Department processed the application and requested a provider assignment verification (DHS-4025) due by December 20, 2012.
3. The Department denied the Claimant's application for CDC benefits due to an alleged failure to return verifications.

4. On January 25, 2013, the Department received the Claimant's written hearing request protesting the Department's action.

### CONCLUSIONS OF LAW

The Department of Human Services (DHS) 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.

In this case, the evidence is insufficient to support a finding that the Department acted properly when it denied the Claimant's November 20, 2012 CDC application. The Department has the burden of establishing by a preponderance of the evidence that it acted in accordance with policy in any action taken that negatively affects a client. On this record, the Department did not meet its burden. Claimant testified credibly that she returned the requested provider assignment verification in a timely manner and was given no reason for the denial. While the Department representative testified that the reason for the denial was due to a discrepancy with the CDC provider address, there was nothing in the record to support the assertion. The representative further stated that he did not handle the Claimant's case, therefore he had no personal knowledge about the reason for the denial. I find the Department did not present sufficient credible testimonial or documentary evidence such as a notice of case action or other necessary documentation to substantiate the basis for the action.

Accordingly, the Department's action is not upheld.

### 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 establish it acted in accordance with policy when it denied the Claimant's November 19, 2012 CDC application.

Accordingly, the Department's CDC determination is hereby, **REVERSED**.

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

1. The Department shall reinstate the Claimant's November 20, 2012 application for CDC benefits and initiate processing in accordance with department policy.
2. The Department shall properly notify the Claimant in writing of the eligibility decision.

*M. Howie*

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**Michelle Howie**  
Administrative Law Judge  
for Maura Corrigan, Director  
Department of Human Services

Date Signed: 6/6/2013

Date Mailed: 6/6/2013

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

MH/hw

cc:

