

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

IN THE MATTER OF:

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Reg. No.: 2014-25057
Issue No(s): 6001
Case No.: ██████████
Hearing Date: February 27, 2014
County: Wayne (18)

ADMINISTRATIVE LAW JUDGE: Zainab Baydoun

HEARING DECISION

Following Claimant's request for a hearing, this matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and 400.37; 7 CFR 273.15 to 273.18; 42 CFR 431.200 to 431.250; 45 CFR 99.1 to 99.33; and 45 CFR 205.10. After due notice, a telephone hearing was held on February 27, 2014, from Detroit, Michigan. Participants on behalf of Claimant included Claimant. Participants on behalf of the Department of Human Services (Department) included ██████████ ██████████ Family Independence Specialist.

ISSUE

Did the Department properly process Claimant's Child Development and Care (CDC) benefits?

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 recipient of CDC benefits.
2. Claimant's employment ended on January 9, 2014.
3. On January 16, 2014, the Department sent Claimant and her CDC provider a Child Care Provider Authorization which informed Claimant that CDC benefits for Claimant's child ended on January 11, 2014 and that the CDC provider would not be paid for services after this date. (Exhibit 1)
4. On January 27, 2014, Claimant submitted a hearing request 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), Department of Human Services Reference Tables Manual (RFT), and Department of Human Services Emergency Relief Manual (ERM).

The Child Development and Care (CDC) program is established by Titles IVA, IVE and XX of the Social Security Act, 42 USC 601-619, 670-679c, and 1397-1397m-5; the Child Care and Development Block Grant of 1990, PL 101-508, 42 USC 9858 to 9858q; and the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, PL 104-193. The program is implemented by 45 CFR 98.1-99.33. The Department administers the program pursuant to MCL 400.10 and provides services to adults and children pursuant to MCL 400.14(1) and Mich Admin Code, R 400.5001-.5020.

Additionally, Claimant requested a hearing requesting that she be supplemented for a lapse in CDC benefits that she alleges occurred as a result of the Department's failure to notify her that she was no longer eligible to receive CDC benefits. Claimant was receiving CDC benefits on the basis that she was employed. Claimant stated that on January 9, 2014, she lost her job and that she called her Department worker on that day to notify the Department of the job loss. Claimant stated that she was never informed that she would no longer be eligible for CDC benefits and that she continued to take her son to child care for a few weeks, incurring out of pocket expenses that she believes the Department should be responsible for.

In order to be eligible for CDC benefits, each parent must have a need for such benefits. BEM 703 (July 2013). A valid need exists if the parent is unavailable to provide the care because of family preservation, high school completion, an approved activity or employment. BEM 703, pp 3-4, 5-12. The need must be verified by the Department and must exist during the time that child care is requested. BEM 703, p. 12. Eligibility for CDC benefits ends when the need ends.

For notices concerning CDC cases, BAM 220 provides that adequate notice means that the action taken by the Department is effective on the date of the Circumstance start/change date. BAM 220 (January 2014), p. 11. Applying BEM 703 to this case, Claimant's eligibility for CDC benefits ended when her employment was terminated. The action taken by the Department was to close Claimant's CDC benefits as of the date of ineligibility, which is the circumstance start/change date.

Adequate notice is given when information verifies that the provider is no longer eligible to receive payments. BAM 220, p. 3. The Department will notify a CDC provider of CDC case closure by sending a Child Care Provider Authorization. BAM 220, p.5.

Because CDC payments are made when all eligibility and need requirements are met, the Department is not required to authorize payment to Claimant's CDC provider for a

period for which Claimant was not eligible to receive CDC benefits, as her employment had ended, despite her having incurred child care expenses. BEM 706 (October 2013), p.1. Further, the Department did send a Child Care Provider Authorization informing Claimant and her provider that payment for the period after Claimant's employment was terminated would not be authorized.

The Administrative Law Judge, based on the above Findings of Fact and Conclusions of Law, and for the reasons stated on the record, if any, finds that the Department acted in accordance with Department policy when it processed Claimant's CDC benefits.

DECISION AND ORDER

Accordingly, the Department's decision is AFFIRMED.



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

Date Signed: March 4, 2014

Date Mailed: March 6, 2014

NOTICE OF APPEAL: 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 or Reconsideration was made, within 30 days of the receipt date of the Decision and Order of Reconsideration or Rehearing Decision.

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).

A Request for Rehearing or Reconsideration may be granted when one of the following exists:

- Newly discovered evidence that existed at the time of the original hearing that could affect the outcome of the original hearing decision;
- Misapplication of manual policy or law in the hearing decision which led to a wrong conclusion;
- Typographical, mathematical or other obvious error in the hearing decision that affects the rights of the client;
- Failure of the ALJ to address in the hearing decision relevant issues raised in the hearing request.

The Department, AHR or the claimant must specify all reasons for the request. MAHS will not review any response to a request for rehearing/reconsideration. A request must be *received* in MAHS within 30 days of the date the hearing decision is mailed.

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The written request must be faxed to (517) 335-6088 and be labeled as follows:

Attention: MAHS Rehearing/Reconsideration Request

If submitted by mail, the written request must be addressed as follows:

Michigan Administrative Hearings
Reconsideration/Rehearing Request
P.O. Box 30639
Lansing, Michigan 48909-07322

ZB/tm

cc: [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]