

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 2013-32392
Issue No.: 2000; 6019
Case No.: [REDACTED]
Hearing Date: August 28, 2013
County: Macomb 12

ADMINISTRATIVE LAW JUDGE: Susanne E. Harris

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 28, 2013, from Lansing, Michigan. Participants on behalf of Claimant included [REDACTED] [REDACTED]. Participants on behalf of Department of Human Services (Department) included Family Independence Specialist, [REDACTED] [REDACTED].

ISSUE

Did the Department properly deny Claimant's application close Claimant's case for:

- | | |
|--|---|
| <input type="checkbox"/> Family Independence Program (FIP)? | <input type="checkbox"/> Adult Medical Assistance (AMP)? |
| <input type="checkbox"/> Food Assistance Program (FAP)? | <input type="checkbox"/> State Disability Assistance (SDA)? |
| <input checked="" type="checkbox"/> Medical Assistance (MA)? | <input type="checkbox"/> Child Development and Care (CDC)? |

Did the Department properly deny Claimant's application close Claimant's case for:

- | | |
|---|---|
| <input type="checkbox"/> Family Independence Program (FIP)? | <input type="checkbox"/> Adult Medical Assistance (AMP)? |
| <input type="checkbox"/> Food Assistance Program (FAP)? | <input type="checkbox"/> State Disability Assistance (SDA)? |
| <input type="checkbox"/> Medical Assistance (MA)? | <input checked="" type="checkbox"/> Child Development and Care (CDC)? |

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 applied for benefits received benefits for:

- | | |
|--|---|
| <input type="checkbox"/> Family Independence Program (FIP). | <input type="checkbox"/> Adult Medical Assistance (AMP). |
| <input type="checkbox"/> Food Assistance Program (FAP). | <input type="checkbox"/> State Disability Assistance (SDA). |
| <input checked="" type="checkbox"/> Medical Assistance (MA). | <input type="checkbox"/> Child Development and Care (CDC). |

2. Claimant applied for benefits received benefits for:

- | | |
|---|---|
| <input type="checkbox"/> Family Independence Program (FIP). | <input type="checkbox"/> Adult Medical Assistance (AMP). |
| <input type="checkbox"/> Food Assistance Program (FAP). | <input type="checkbox"/> State Disability Assistance (SDA). |
| <input type="checkbox"/> Medical Assistance (MA). | <input checked="" type="checkbox"/> Child Development and Care (CDC). |

3. On February 1, 2013, the Department denied Claimant's application closed Claimant's MA case due to her failure to return the DHS-1010, Redetermination Form .

4. On December 21, 2012, the Department denied Claimant's CDC application closed Claimant's case due to her failure to verify a certified, qualified provider.

5. On January 19, 2013, the Department sent Claimant Claimant's Authorized Representative (AR) notice of the denial. MA closure.

6. On December 21, 2012, the Department sent Claimant Claimant's Authorized Representative (AR) notice of the CDC denial. closure.

7. On March 1, 2013, Claimant filed a hearing request, protesting the denial of the CDC application and closure of the MA case.

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 Family Independence Program (FIP) was established pursuant to the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, Public Law 104-193, 42 USC 601, *et seq.* The Department (formerly known as the Family Independence Agency) administers FIP pursuant to MCL 400.10, *et seq.*, and 1999 AC, R 400.3101 through Rule 400.3131. FIP replaced the Aid to Dependent Children (ADC) program effective October 1, 1996.

The Food Assistance Program (FAP) [formerly known as the Food Stamp (FS) program] is established by the Food Stamp Act of 1977, as amended, and is implemented by the federal regulations contained in Title 7 of the Code of Federal Regulations (CFR). The Department (formerly known as the Family Independence Agency) administers FAP pursuant to MCL 400.10, *et seq.*, and 1999 AC, R 400.3001 through Rule 400.3015.

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 (CFR). The Department of Human Services (formerly known as the Family Independence Agency) administers the MA program pursuant to MCL 400.10, *et seq.*, and MCL 400.105.

The Adult Medical Program (AMP) is established by 42 USC 1315, and is administered by the Department pursuant to MCL 400.10, *et seq.*

The State Disability Assistance (SDA) program, which provides financial assistance for disabled persons, is established by 2004 PA 344. The Department of Human Services (formerly known as the Family Independence Agency) administers the SDA program pursuant to MCL 400.10, *et seq.*, and 2000 ACS, R 400.3151 through Rule 400.3180.

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 1999 AC, R 400.5001 through Rule 400.5015.

The Claimant in this case requested two separate hearings under two separate case numbers. As the Administrative Law Judge had evidence on both issues in the hearing file, the Administrative Law Judge combined the issues into one hearing for the convenience of the parties.

The hearing was requested to dispute the Department's action taken with respect to the MA program benefits. Shortly after commencement of the hearing, the Claimant testified that she now accepted the actions taken by the Department and did not wish to proceed with the hearing regarding the MA issue. The Request for Hearing was withdrawn. The Department agreed to the dismissal of the hearing request. Pursuant to the withdrawal of the MA hearing request filed in this matter, the Request for Hearing is hereby **DISMISSED**.

The Claimant continued to protest the denial of her CDC application. The uncontested facts are that her child care provider was an unlicensed provider and was therefore required to complete the Great Start to Quality Orientation to obtain a provider number. The uncontested facts are that the Claimant's chosen provider did not obtain such a provider number and did not complete the required training until March of 2013. The Claimant's application was denied in December of 2012.

Essentially, the Claimant's chosen provider was sent the application on December 12, 2012. A close inspection of the evidence reveals that the Department did not receive the completed Child Development and Care Unlicensed Provider Application until December 26, 2012 which is the date the application and verifications were due, but it was also five days after the Claimant's application for CDC was denied. The application instructs the Claimant's chosen provider that failure to complete the application and submit the proof of identity, age, residence and a copy of a valid social security card will result in denial of the application. Though the Claimant's provider ultimately submitted such verification and was ultimately approved as an unlicensed provider, she submitted it five days late.

Bridges Eligibility Manual (BEM) 704 (2012) p. 4, instructs the Department's worker, in the event that all required verifications are not received by the 10th work day from the application receipt date to enroll the provider using the current date as the service begin

and end date and enter the closure reason of “failure to provide verifications.” Though the application and verifications were submitted on the last timely day they could be, they needed to be reviewed by the MDE Provider Enrollment Unit. In this case, the Claimant’s provider was ultimately approved by the enrollment unit and enrolled; however, the Claimant’s CDC case was denied on December 21, 2012 because there was no licensed child care provider to authorize payments to. BEM 703 (2012) p. 1, provides that CDC eligibility exists when all eligibility requirements are met and one of those requirements is that an eligible provider is providing the care. BEM 702 (2011) p. 1, requires that the Department worker verify that the Claimant is using an enrolled and eligible provider prior to opening a CDC case. In this case, the Claimant chose an ineligible provider. By the time the provider was eligible to provide care, the standard of promptness had run on the Claimant’s CDC application. Bridges Administrative Manual (BAM) 115 (2012), p. 12, provides that the Standard of Promptness for processing the Claimant’s CDC application is 45 days.

BAM 115, p. 13 provides that CDC provider eligibility must be determined within 10 workdays of receiving the DHS-220, Child Development and Care Unlicensed Provider Application. Bridges will send notification to the provider. The notice must inform the provider applicant whether the provider application has been approved or denied; see BEM 704. Therefore, the Department had until January 10, 2013 before provider eligibility had to be determined. Though her provider is now enrolled and eligible to provide care, the Claimant has not reapplied for CDC. Because there was no eligible provider to authorize payments to, the Administrative Law Judge determines that when the Department took action to deny the Claimant’s CDC application the Department was acting in accordance with its policy.

Based upon the above Findings of Fact and Conclusions of Law, and for the reasons stated on the record, the Administrative Law Judge concludes that the Department properly denied Claimant’s application improperly denied Claimant’s application properly closed Claimant’s case improperly closed Claimant’s case for: AMP FIP FAP MA SDA CDC.

DECISION AND ORDER

The Administrative Law Judge, based upon the above Findings of Fact and Conclusions of Law, finds that the Department did act properly. did not act properly.

Accordingly, the Department's AMP FIP FAP MA SDA CDC decision is **AFFIRMED** REVERSED.

/s/
Susanne E. Harris
Administrative Law Judge
For Maura Corrigan, Director
Department of Human Services

Date Signed: August 29, 2013

Date Mailed: August 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
P. O. Box 30639
Lansing, Michigan 48909-07322

SEH/tb

cc:

