

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

IN THE MATTER OF:

KRISTEN HORTON
4606 PACIFIC ST
DETROIT, MI 48204

Reg. No.: 2013 5279
Issue No.: 6019
Case No.: 103144484
Hearing Date: March 28, 2013
County: Oakland County DHS (49)

ADMINISTRATIVE LAW JUDGE: Lynn M. Ferris

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 March 28, 2013, from Detroit, Michigan. Participants on behalf of Claimant included the Claimant. Participants on behalf of the Department of Human Services (Department) included Angelique Pers.

ISSUE

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

- | | |
|---|---|
| ☐ Family Independence Program (FIP)? | ☐ Adult Medical Assistance (AMP)? |
| ☐ Food Assistance Program (FAP)? | ☐ State Disability Assistance (SDA)? |
| ☐ Medical Assistance (MA)? | ☒ 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:

- | | |
|---|---|
| ☐ Family Independence Program (FIP). | ☐ Adult Medical Assistance (AMP). |
| ☐ Food Assistance Program (FAP). | ☐ State Disability Assistance (SDA). |
| ☐ Medical Assistance (MA). | ☒ Child Development and Care (CDC). |

2. On 11/4/12, the Department
☐ denied Claimant's application ☒ closed Claimant's case
due to reason was not specified.
The Claimant began working full time on 9/21/12 and requested the Department increase her CDC hours in October and provided pay stubs to the Department.
3. On 10/20/12, the Department sent
☐ Claimant ☐ Claimant's Authorized Representative (AR)
notice of the ☐ denial. ☒ closure.
4. On October 4, 2012, Claimant filed a hearing request, protesting the
☐ denial of the application. ☒ closure of the 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 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, Rule 400.5001 through Rule 400.5015.

Additionally, in this case based upon the Claimant's credible testimony she received a CDC certification request on the day before it was due and contacted her caseworker by leaving numerous messages asking for an extension so that she could provide the requested certifications. The Claimant's caseworker never returned any of the calls. Claimant was working full time on September 21, 2012 and requested the Department increase her day care need by increasing the authorized hours. The Claimant submitted pay stubs and required information and the Department closed her case even though she was certified for CDC. Exhibit 5. The Notice of Case Action provided by the Department with the hearing summary addressed Medicaid not CDC, so the Department indicated it would provide a Notice of Case Action after the Hearing. The information provided after the hearing by the Department indicated that the Claimant was certified and her CDC case was closed effective 10/20/12. Exhibit 5 and 6 (received after the hearing). The Department did not have the case file at the hearing and could not say whether the case was properly closed or the reason for the closure. The information received after the hearing also did not explain the closure thus it must be determined that the Department did not meet its burden of proof to establish the proper closure of the CDC case and the reason for closure.

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.

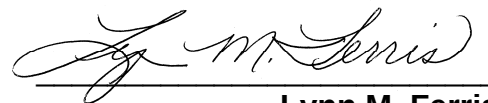
DECISION AND ORDER

The Administrative Law Judge, based upon the above Findings of Fact and Conclusions of Law, and for the reasons stated on the record, 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 for the reasons stated on the record.

☒ THE DEPARTMENT SHALL INITIATE WITHIN 10 DAYS OF THE DATE OF MAILING OF THIS DECISION AND ORDER, THE FOLLOWING:

1. The Department shall reinstate the Claimant's CDC case retroactive to the date of closure, November 4, 2012 and based upon the information provided by the Claimant in support of her request for an increase in CDC provider hours shall process the case to determine Claimant's ongoing eligibility for CDC benefits.
2. The Department shall issue a supplement to the Claimant if appropriate for any CDC benefits the Claimant was otherwise entitled to receive in accordance with Department policy.



Lynn M. Ferris
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: April 8, 2013

Date Mailed: April 9, 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 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

LMF/tm

cc: K. Horton
Wayne County (49) DHS/1843
CDC
R. Gruber
L. Ferris