

**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.: 14-009822
Issue No.: 6001
Case No.: ██████████
Hearing Date: October 23, 2014
County: WAYNE (55)

ADMINISTRATIVE LAW JUDGE: Jacquelyn A. McClinton

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 October 23, 2014, from Detroit, Michigan. Participants on behalf of Claimant included Claimant. The Department of Human Services (Department) failed to appear.

ISSUE

Did the Department properly close Claimant's Child Care and Development (CDC) benefits for lack of need?

FINDINGS OF FACT

The Administrative Law Judge, based on the competent, material, and substantial evidence on the whole record, finds as material fact:

1. In May 2014, Claimant submitted a timely Redetermination which included her employment information.
2. On June 3, 2014, the Department sent Claimant a 6-month Review form which was due on July 1, 2014.
3. On June 30, 2014, Claimant returned the completed form, which included her employment information.
4. On July 2, 2014, the Department sent Claimant a Notice of Case Action notifying her that her CDC benefits would close because she no longer had a need for the benefits.

5. On August 4, 2014, Claimant filed a Request for Hearing 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.

As a preliminary matter, the hearing was scheduled for 3:00 p.m. The Department failed to contact the hearing office to state it was ready to proceed with the hearing. At 4:25 p.m., the hearing proceeded without a representative from the Department.

Additionally, Department policy, BEM 703 (April 2014), p. 11, holds that **CDC eligibility ends** based on an approved activity need reason when:

- The client is no longer participating with the one-stop service center or other employment agency.
- The activity is no longer approved.
- The client no longer meets CDC eligibility requirements.
- The need no longer exists.

In May 2014, Claimant submitted a timely Redetermination which included her employment information. On June 3, 2014, the Department sent Claimant 6-month Review form which was due on July 1, 2014. Claimant returned the completed form, which included her employment information, on June 30, 2014. On July 2, 2014, the Department sent Claimant a Notice of Case Action notifying her that her CDC benefits would close because she no longer had a need for the benefits. Claimant stated that she received several Notices of Case Action after July 2, 2014 with conflicting information.

Claimant testified that between July 2, 2014 and July 31, 2014, she did not receive CDC benefits even though she was employed. Claimant stated that during this period she had a need for CDC benefits. The Department failed to appear and therefore failed to dispute that Claimant had a need for CDC benefits during this period. There was no evidence presented at the hearing which demonstrated that Claimant was ineligible for CDC benefits. Accordingly, it is found that the Department failed to establish that it properly closed Claimant's CDC benefits from July 2, 2014 through July 31, 2014. Claimant testified that she has been receiving CDC benefits effective August 1, 2014 ongoing.

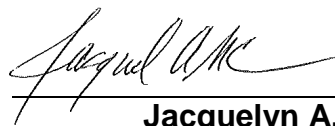
The Administrative Law Judge, based on the above Findings of Fact and Conclusions of Law, and for the reasons stated on the record, if any, finds that the Department did not act in accordance with policy when it closed Claimant's CDC benefits from July 2, 2014 through July 31, 2014.

DECISION AND ORDER

Accordingly, the Department's decision is **REVERSED**.

THE DEPARTMENT IS ORDERED TO BEGIN DOING THE FOLLOWING, IN ACCORDANCE WITH DEPARTMENT POLICY AND CONSISTENT WITH THIS HEARING DECISION, WITHIN 10 DAYS OF THE DATE OF MAILING OF THIS DECISION AND ORDER:

1. Reinstate Claimant's CDC benefits from July 2, 2014 through July 31, 2014; and
2. Issue supplements to the eligible provider who provided care to Claimant's child from July 2, 2014 through July 31, 2014.



Jacquelyn A. McClinton
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: **11/12/2014**

Date Mailed: **11/12/2014**

JAM / cl

NOTICE OF APPEAL: A party may appeal this Hearing Decision in the circuit court in the county in which he/she resides, or the circuit court in Ingham County, within 30 days of the receipt date.

A party may request a rehearing or reconsideration of this Hearing Decision from the Michigan Administrative Hearing System (MAHS) within 30 days of the mailing date of this Hearing Decision, or MAHS may order a rehearing or reconsideration on its own motion.

MAHS may grant a party's Request for Rehearing or Reconsideration 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 party requesting a rehearing or reconsideration 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 this Hearing Decision is mailed.

A written request may be faxed or mailed to MAHS. If submitted by fax, 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 48909-8139

CC:

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]