

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

**IN THE MATTER OF:**

[REDACTED]

Reg. No.: 14-005067  
Issue No.: 6006  
Case No.: [REDACTED]  
Hearing Date: November 25, 2014  
County: Wayne-District 49

**ADMINISTRATIVE LAW JUDGE:** Kevin Scully

**HEARING DECISION**

Upon a hearing request by the Department of Human Services (Department) to establish an overissuance (OI) of benefits to Respondent, this matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9, 400.43a, and 24.201, *et seq.*, and Mich Admin Code, R 400.941, and in accordance with 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, telephone hearing was held on November 25, 2014, from Lansing, Michigan. Participants on behalf of the Department included [REDACTED].

Participants on behalf of Respondent included [REDACTED]

**ISSUE**

Did Respondent receive an OI of 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. Respondent was a recipient of CDC benefits from the Department.
2. The Department alleges Respondent received a CDC OI during the period January 4, 2009, through December 5, 2009, due to Respondent's error.
3. The Department alleges that Respondent received a \$ [REDACTED] OI that is still due and owing to the Department.

**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), and Department of Human Services Reference Tables Manual (RFT).

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.

For Child Development and Care (CDC) eligibility to exist for a given child, each parent must demonstrate a valid need reason and that each parent is unavailable to provide the care for at least one of the following reasons:

1. Family preservation.
2. High school completion.
3. An approved activity.
4. Employment. Department of Human Services Bridges Eligibility Manual (BEM) 703 (November 1, 2014), p 1.

When a client group receives more benefits than it is entitled to receive, DHS must attempt to recoup the overissuance. Department of Human Services Bridges Administrative Manual (BAM) 700 (May 1, 2014), p 1.

In this case, the Respondent was an ongoing Child Development and Care (CDC) recipient from January 4, 2009, through December 5, 2009. The Respondent failed to provide the Department with verification that she had a valid need to receive Child Development and Care (CDC) benefits during this period. No evidence was presented on the record that the Respondent concealed any information from the Department and the Respondent's lack of need to receive Child Development and Care (CDC) benefits was discoverable by the Department. If the Department had acted on the Respondent's lack of need to receive Child Development and Care (CDC) benefits, she would not have been eligible to receive any of the CDC benefits that she did receive. The Department is required to recoup an overissuance of Child Development and Care (CDC) benefits.

The Respondent testified that she was searching for employment during the overissuance period and therefore had a valid need for Child Development and Care (CDC) benefits. The Respondent failed to provide evidence that her search for employment justified the Child Development and Care (CDC) benefits she received.

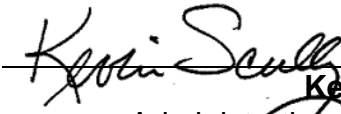
This Administrative Law Judge finds that the Respondent failed to establish that he provided verification of her need for benefits to the Department, or that she was eligible to participate in the Child Development and Care (CDC) during the overissuance period.

The Administrative Law Judge, based upon the above Findings of Fact and Conclusions of Law, finds that the Department did establish a CDC benefit OI to Respondent totaling \$ [REDACTED]

**DECISION AND ORDER**

Accordingly, the Department is **AFFIRMED**.

The Department is **ORDERED** to initiate collection procedures for a \$ [REDACTED] OI in accordance with Department policy.

  
\_\_\_\_\_  
**Kevin Scully**  
Administrative Law Judge  
for Maura Corrigan, Director  
Department of Human Services

Date Signed: **12/2/2014**

Date Mailed: **12/2/2014**

KS/las

**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 48909-07322

cc:

