

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

IN THE MATTER OF:

██████████
██████████████████
██████████████████

Reg. No.: 14 007378
Issue No(s): 3000, 6001
Case No.: ██████████
Hearing Date: August 21, 2014
County: Wayne (18)

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 August 21, 2014, from Detroit, Michigan. Participants on behalf of Claimant included Claimant. Participants on behalf of the Department of Human Services (Department) included ██████████, Eligibility Specialist, and ██████████ mpos, Family Independence Manager.

ISSUE

Did the Department properly deny Claimant's application for 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 applied for CDC benefits in May 2014.
2. On June 6, 2014, the Department sent Claimant a CDC Provider Verification to be completed and returned by June 16, 2014.
3. The CDC Provider Verification returned on June 20, 2014.
4. Claimant's selected provider was an unlicensed provider and was required to complete a CDC Unlicensed Provider Application.

5. Claimant's selected provider failed to complete the CDC Unlicensed Provider Application.
6. On July 7, 2014, the Department sent Claimant a Notice of Case Action notifying her that her application for CDC benefits had been denied.
7. On July 15, 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 Food Assistance Program (FAP) [formerly known as the Food Stamp program] is established by the Food Stamp Act of 1977, as amended, 7 USC 2011 to 2036a and is implemented by the federal regulations contained in 7 CFR 273. The Department (formerly known as the Family Independence Agency) administers FAP pursuant to MCL 400.10, the Social Welfare Act, MCL 400.1-.119b, and Mich Admin Code, R 400.3001 to .3015.

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.

FAP

The hearing was requested to dispute the Department's action taken with respect to the Food Assistance Program (FAP) benefits. Shortly after commencement of the hearing, Claimant testified that she now understood the actions taken by the Department and did not wish to proceed with the hearing relating to her FAP benefits. The Department agreed to the dismissal of the hearing request as it related to Claimant's FAP benefits.

CDC

The Department received Claimant's application for CDC benefits on May 22, 2014. As a result, on June 4, 2014, the Department mailed a CDC Provider Verification form to Claimant to be completed by both her and the listed provider with a due date of June 16, 2014. The Department received the completed CDC Provider Verification on June 20, 2014. The Department testified that the listed provider did not complete the required training and orientation. Accordingly, on July 7, 2014, the Department sent

Claimant a Notice of Case Action notifying her that her application for CDC benefits had been denied.

When Claimant's selected provider completed the CDC Verification, she failed to include a provider number. The Department testified that the provider number listed on its paperwork for the selected provider was not active because training was not completed. The Department defines an unlicensed provider as an adult who is 18 years or older, enrolled by MDE, to provide care for up to four children at a time or up to six children, if all children live at the same address or if all children are siblings, and meets certain criteria. BEM 704 (April 2014), pp. 1-2.

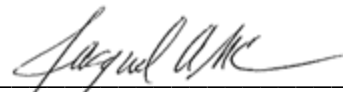
Additionally, the Department requires all unlicensed providers to complete the Child Development and Care Unlicensed Provider Application in order to be enrolled. BEM 704, p. 2. The Department stated that it had no record that Claimant's selected provider completed the CDC Unlicensed Provider Application. Claimant had no evidence which would suggest that the listed provider completed the required application.

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 policy and properly denied Claimant's application for CDC benefits as the selected provider failed to complete the necessary requirements.

DECISION AND ORDER

Pursuant to Claimant's wish not to proceed with the hearing relating to her FAP benefits, the Request for Hearing relating to Claimant's FAP benefits is, hereby, **DISMISSED**.

Further, the Department's decision to deny Claimant's May 2014 CDC application is **AFFIRMED**.



JACQUELYN A. MCCLINTON
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: August 26, 2014

Date Mailed: August 26, 2014

NOTICE OF APPEAL: A party may appeal this Hearing Decision in the circuit court in the county in which he/she resides or has its principal place of business in the State, 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

JAM/cl

cc:

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