

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 14-012106
Issue No.: 6000
Case No.: [REDACTED]
Hearing Date: January 15, 2015
County: Macomb-District 20

ADMINISTRATIVE LAW JUDGE: Kevin Scully

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, telephone hearing was held on January 15, 2015, from Lansing, Michigan. Participants on behalf of Claimant included [REDACTED]. Participants on behalf of the Department of Human Services (Department) included [REDACTED].

ISSUE

Did the Claimant raise an issue that falls within the jurisdiction of the Michigan Administrative Hearing System (MAHS)?

FINDINGS OF FACT

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

1. The Claimant was an ongoing Child Development and Care (CDC) recipient until March 23, 2014.
2. On September 10, 2014, the Department received the Claimant's request for a hearing protesting the Department's failure to issue Child Development and Care (CDC) benefits from December 1, 2013, through March 23, 2014.

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.

Clients have the right to contest a Department decision affecting eligibility or benefit levels whenever it is believed that the decision is incorrect. The Department will provide an administrative hearing to review the decision and determine the appropriateness. The Michigan Administrative Hearing System (MAHS) may grant a hearing for any of the following:

MAHS may grant a hearing about any of the following:

- Denial of an application and/or supplemental payments.
- Reduction in the amount of program benefits or service.
- Suspension or termination of program benefits or service.
- Restrictions under which benefits or services are provided.
- Delay of any action beyond standards of promptness.
- For FAP only, the current level of benefits or denial of expedited service. Department of Human Services Bridges Administrative Manual (BAM) 600 (March 1, 2014), p 4.

A request for hearing must be in writing and signed by the Claimant, petitioner, or authorized representative. Rule 400.904(1). Moreover, the Department of Human Services Bridges Administrative Manual (BAM) 600 (March 1, 2014), p. 5, provides in relevant part as follows:

The client or authorized hearing representative has *90 calendar days from the date of the written notice of case action to request a hearing*. The request must be received anywhere in DHS within the 90 days. [Emphasis added.]

The Claimant was an ongoing Child Development and Care (CDC) recipient until her benefits were closed effective March 23, 2014. The Department does not dispute that the Claimant was eligible for Child Development and Care (CDC) benefits from December 1, 2013, through March 23, 2014.

The Claimant testified that the Department failed to pay her provider for child care services rendered between December 1, 2013, and March 23, 2014.

On March 17, 2014, the Department notified the Claimant that it would close her Child Development and Care (CDC) benefits as of March 23, 2014. The Department did not receive the Claimant's request for a hearing until September 10, 2014. This Administrative Law Judge finds that the Claimant did not submit a timely hearing request because it was not received by the Department within 90 days of the Department's notice of closure. The Claimant's hearing request must be dismissed with

respect to the closure of Child Development and Care (CDC) benefits because it does not fall within the jurisdiction of the Michigan Administrative Hearing System (MAHS) as outlined in BAM 600.

Furthermore, if the Claimant's request for a hearing was found to be timely, this hearing request would still not fall within the jurisdiction of the Michigan Administrative Hearing System (MAHS) because there has been no negative action as defined by BAM 600.

The Department is not disputing that the Claimant was eligible for Child Development and Care (CDC) benefits from December 1, 2013, through March 23, 2014.


The Claimant testified that her child care provider was not paid for child care serviced rendered during that time period.

This Administrative Law Judge finds that problems the Claimant's child care provider had billing the Department for services does not entitle the Claimant to a hearing before the Michigan Administrative Hearing System (MAHS) as defined by BAM 600. The Claimant would be entitled to a hearing over the issue of her eligibility for the Child Development and Care (CDC) program if she had submitted a timely hearing request, but she is not entitled to hearing to settle her childcare provider's billing dispute. Eligibility is not an issue in this case, and the Claimant's hearing request must be dismissed.

ORDER OF DISMISSAL
FOR LACK OF JURISDICTION

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 Claimant's September 10, 2014, request for a hearing does not raise an issue that falls within the jurisdiction of the Michigan Administrative Hearing System (MAHS).

The Claimant's request for a hearing is **DISMISSED**. IT IS SO ORDERED.



Kevin Scully
Administrative Law Judge
for Nick Lyon, Acting DHS Director
Department of Human Services

Date Signed: **1/21/2015**

Date Mailed: **1/21/2015**

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:

