

**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.: 2014-14676
Issue No.: 6001
Case No.: ██████████
Hearing Date: February 3, 2014
County: Wayne (82-15)

ADMINISTRATIVE LAW JUDGE: Alice C. Elkin

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 February 3, 2014, from Detroit, Michigan. Participants on behalf of Claimant included Claimant. Participants on behalf of the Department of Human Services (Department) included ██████████
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ISSUE

Did the Department properly process the Administrative Law Judge (ALJ) September 4, 2013, Hearing Decision ordering the Department to process Claimant's March 29, 2013, 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. On March 29, 2013, Claimant filed a CDC application.
2. The Department denied the application, and Claimant requested a hearing.
3. At the August 1, 2013, hearing, the ALJ concluded that the Department had improperly denied Claimant's application based on failure of the Michigan Department of Education (MDE) to promptly assign Claimant's CDC provider a provider ID number.

4. In a September 4, 2013, Hearing Decision, the ALJ ordered the Department to reregister and reprocess Claimant's application using the provider ID number obtained from the MDE.
5. On November 15, 2013, Claimant filed a hearing request alleging that the Department had failed to comply with the ALJ's Hearing Decision.

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.

Additionally, in order to be eligible for CDC benefits, a client must establish that an eligible provider is providing care. BEM 703 (October 2012), p. 1. Providers that are not child care centers, group child care homes, or family child care homes must be enrolled by MDE. BEM 704 (March 2013), p. 1.

At the August 1, 2013, hearing, the ALJ concluded that Claimant's provider had completed all required certifications in January 2013 but MDE had not assigned her a provider ID number until May 2013. The ALJ ordered the Department to reregister Claimant's March 29, 2013, CDC application and "[b]egin reprocessing the application using the CDC provider ID number obtained by the MDE, in accordance with Department policy and consistent with [the] Hearing Decision."

The Department testified that it had reregistered and reprocessed Claimant's March 29, 2013, CDC application, but because Claimant's provider had not received a provider ID number from the MDE until May 2013, it denied Claimant CDC benefits from the March 29, 2013, application date to the May 2013 date on which the provider received her ID provider number. However, the ALJ concluded that Claimant and her provider had timely complied with all their obligations and the delay in obtaining the provider ID number was MDE's. When the ALJ ordered the Department to reprocess the March 29, 2013, application using the CDC provider ID number obtained from MDE, the provider ID number should have been considered as timely obtained as of the March 29, 2013, application. If the Department did not agree with the ALJ's decision, it could have requested a rehearing or reconsideration. See BAM 600 (July 2013), pp. 40-44.

The undersigned 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 Department policy when it denied Claimant's CDC eligibility between March 29, 2013, the date of application, and May 2013, when MDE assigned Claimant's provider a provider ID number.

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. Reregister Claimant's March 29, 2013, CDC application;
2. Reprocess the application in accordance with the September 4, 2013, Hearing Decision;
3. Issue supplements to Claimant's provider for CDC benefits Claimant was eligible to receive but did not from March 29, 2013, ongoing;
4. Notify Claimant in writing of its decision.


Alice C. Elkin
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: February 5, 2014

Date Mailed: February 5, 2014

NOTICE OF APPEAL: 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 or Reconsideration was made, within 30 days of the receipt date of the Decision and Order of Reconsideration or Rehearing Decision.

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).

A Request for Rehearing or Reconsideration may be granted 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 Department, AHR or the claimant 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 the hearing decision is mailed.

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

ACE/pf

cc:

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