

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 2014-32180
Issue No.: 6002
Case No.: [REDACTED]
Hearing Date: April 23, 2014
County: Wayne (15)

ADMINISTRATIVE LAW JUDGE: Christian Gardocki

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, an in-person hearing was held on April 23, 2014, from Detroit, Michigan. Participants included the above-named Claimant. [REDACTED] testified on behalf of Claimant. Participants on behalf of the Department of Human Services (DHS) included [REDACTED], Specialist, and [REDACTED], Manager.

ISSUE

The issue is whether DHS properly denied Claimant's Child Development and Care (CDC) eligibility for the CDC pay period in which Claimant applied.

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 [REDACTED] Claimant applied for CDC benefits.
2. On [REDACTED] DHS mailed a Notice of Case Action (Exhibits A1-A2) approving Claimant for CDC benefits, effective 12/1/13.
3. On [REDACTED], DHS mailed a Notice of Case Action denying Claimant's CDC application due to Claimant's failure to verify income.
4. On [REDACTED], Claimant reapplied for CDC benefits.

5. On an unspecified date, DHS approved Claimant for CDC benefits beginning [REDACTED].
6. On [REDACTED], Claimant requested a hearing to dispute the DHS failure to issue CDC benefits to Claimant for the pay period of [REDACTED].

CONCLUSIONS OF LAW

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. Department policies are contained in the Department of Human Services Bridges Administrative Manual (BAM) and Department of Human Services Bridges Eligibility Manual (BEM) and Department of Human Services Reference Tables Manual (RFT).

Claimant requested a hearing to dispute a denial of CDC eligibility for the CDC pay period for [REDACTED]. DHS was uncertain why Claimant's CDC eligibility was denied but presented testimony suggesting that the denial was related to a previous CDC application denial.

Claimant applied for CDC benefits on 12/6/13. DHS denied Claimant's application on [REDACTED]. Claimant conceded that DHS correctly denied the application. DHS testimony suggested that clients cannot be found eligible for CDC benefits for a pay period in which they are denied.

DHS policy provides guidance on the begin date of CDC eligibility. The first day that CDC may be authorized is the latest of the following:

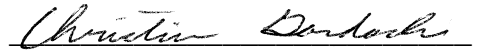
- The CDC application receipt date.
- The date the child care need begins.
- The date the provider becomes eligible for subsidy payments.
- The date the unlicensed provider completes the basic training requirement.

BAM 115 (1/2014), p. 26.

DHS conceded that Claimant's eligibility begin date was not affected by her provider's eligibility. DHS also conceded that Claimant had a need for CDC benefits beginning no later than [REDACTED]. No known policy exists to justify delaying CDC benefits because of a previously denied CDC application. It is found that DHS improperly denied Claimant's CDC eligibility for the pay period for [REDACTED].

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that DHS improperly failed to process Claimant's full CDC eligibility. It is ordered that DHS issue CDC benefits to Claimant for the period of [REDACTED]. The actions taken by DHS are **REVERSED**.


Christian Gardocki
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: 5/6/2014

Date Mailed: 5/6/2014

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

CG/hw

cc:

