

**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.: 2014-5351
Issue No(s): 2000; 3000; 6001
Case No.: ██████████
Hearing Date: January 8, 2014
County: Wayne (19)

ADMINISTRATIVE LAW JUDGE: Eric Feldman

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 January 8, 2014, from Detroit, Michigan. Participants on behalf of Claimant included Claimant. Participants on behalf of the Department of Human Services (Department or DHS) included ██████████ Family Independence Manager.

ISSUE

Did the Department properly process Claimant's submitted redetermination dated June 3, 2013?

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 was an ongoing recipient of Child Development and Care (CDC) benefits. See Exhibit 1.
2. On May 14, 2013, the Department sent Claimant a redetermination, which was due back by June 3, 2013. See Exhibit 1.
3. On June 3, 2013, Claimant submitted her redetermination, which included Claimant indicating a CDC need. See Exhibit 1.
4. Effective June 16, 2013, Claimant's CDC benefits closed. See Exhibit 1.

5. On September 3, 2013, Claimant applied for CDC benefits.
6. On September 30, 2013, Claimant filed a hearing request, protesting her Food Assistance Program (FAP) benefits, Medical Assistance (MA) benefits, and the CDC program. See Exhibit 1.
7. On October 2, 2013, the Department sent Claimant a Notice of Case Action notifying her that her CDC benefits were denied effective August 25, 2013, ongoing. See Exhibit 1.

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 271.1 to 285.5. The Department (formerly known as the Family Independence Agency) administers FAP pursuant to MCL 400.10 and Mich Admin Code, R 400.3001 to .3015.

The Medical Assistance (MA) program is established by the Title XIX of the Social Security Act, 42 USC 1396-1396w-5, and is implemented by 42 CFR 400.200 to 1008.59. The Department of Human Services (formerly known as the Family Independence Agency) administers the MA program pursuant to MCL 400.10 and MCL 400.105.

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 9858g; 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.

Preliminary matters

First, Claimant filed a hearing request, protesting her FAP and MA benefits. See Exhibit 1. However, during the hearing, Claimant testified that is no longer disputing her FAP and MA benefits. Thus, Claimant's FAP and MA hearing request is DISMISSED.

Second, Claimant also requested CDC benefits for one of her children from January 2012. However, this hearing decision lacks of the jurisdiction to address Claimant's CDC request from this time period. See BAM 600 (July 2013), pp. 4-5.

Third, on September 3, 2013, Claimant applied for CDC benefits. On October 2, 2013, the Department sent Claimant a Notice of Case Action notifying her that her CDC benefits were denied effective August 25, 2013, ongoing. See Exhibit 1. Claimant's request for hearing is dated September 30, 2013. See Exhibit 1. This hearing decision cannot address the denial of her CDC application as it is subsequent to her hearing request. BAM 600, pp. 4-5. Claimant can file another hearing request to dispute the denial of her application on October 2, 2013. See BAM 600, pp. 4-5.

In summary, this hearing decision will only address Claimant's CDC benefits from the time period of her submitted redetermination dated June 3, 2013. Moreover, a review of Claimant's hearing request indicates that she is disputing her submitted redetermination. See Exhibit 1.

CDC benefits

Claimant was an ongoing recipient of CDC benefits. See Exhibit 1. On May 14, 2013, the Department sent Claimant a redetermination, which was due back by June 3, 2013. See Exhibit 1. On June 3, 2013, Claimant submitted her redetermination, which included Claimant indicating a CDC need. See Exhibit 1. Effective June 16, 2013, Claimant's CDC benefits closed for a group size of two. See Exhibit 1. It is unclear which children were included in the CDC group size at that time. Moreover, it is unclear why the CDC benefits closed effective June 16, 2013 as the Department did not provide evidence or testimony of why it closed. A review of Claimant's hearing request infers that the Department closed her benefits because it did not receive her redetermination. See Exhibit 1. Therefore, it is reasonable to conclude that Claimant's CDC benefits closed effective June 16, 2013 because the Department did not receive her redetermination

A complete redetermination is required at least every 12 months. BAM 210 (November 2012), p. 1. If a CDC group is active for other programs, the Department will set the CDC redetermination date to be the same redetermination date as the other program if 12 months or less. BAM 210, p. 2.

A redetermination/review packet is considered complete when all of the sections of the redetermination form including the signature section are completed. BAM 210, p. 8. If the redetermination packet is not logged in by the negative action cutoff date of the redetermination month, the Department generates a DHS-1605, Notice of Case Action, and automatically closes the EDG. BAM 210, p. 9.

Based on the foregoing information and evidence, the Department did not satisfy its burden of showing that it acted in accordance with Department policy when it was unable to provide testimony or evidence of why Claimant's CDC benefits closed effective June 16, 2013, ongoing. It is reasonable to conclude that the Department closed her CDC benefits due to it not receiving her redetermination. However, Claimant provided credible testimony and evidence that she submitted her redetermination on June 3, 2013. See Exhibit 1. Moreover, Claimant clearly indicated in the

redetermination that she is seeking CDC assistance for her children. See Exhibit 1. Therefore, it is found that the Department failed to process Claimant's submitted redetermination. The Department will process Claimant's submitted redetermination effective June 3, 2013, including a CDC eligibility determination for the entire group composition. BAM 210, pp. 8-9.

DECISION AND ORDER

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 failed to satisfy its burden of showing that it acted in accordance with Department policy when it was unable to provide testimony or evidence of why Claimant's CDC benefits closed effective June 16, 2013, ongoing.

Accordingly, the Department's CDC 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. Begin processing Claimant's submitted redetermination dated June 3, 2013, including a CDC eligibility determination for the entire group composition;
2. Begin recalculating the CDC budget from the date of redetermination, in accordance with Department policy;
3. Issue supplements to Claimant for any CDC benefits she was eligible to receive but did not from the date of redetermination; and
4. Notify Claimant in writing of its CDC decision in accordance with Department policy.

IT IS ALSO ORDERED that Claimant's FAP and MA hearing request is DISMISSED.



Eric Feldman
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: January 16, 2014

Date Mailed: January 16, 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

EJF/cl

cc:

[Redacted list of recipients]