

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

IN THE MATTER OF:

██████████
██████████
██████████

Reg. No.: 14-015319
Issue No.: 2000;6001
Case No.: ██████████
Hearing Date: February 09, 2015
County: Wayne-District 57

ADMINISTRATIVE LAW JUDGE: Zainab Baydoun

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 9, 2015, from Detroit, Michigan. Participants on behalf of Claimant included Claimant and her friend/Daycare Provider, ██████████. Participants on behalf of the Department of Human Services (Department) included ██████████, Family Independence Manager.

ISSUE

Did the Department properly process Claimant's Medical Assistance (MA) and 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 is a licensed foster parent.
2. Claimant requested MA benefits for the foster children in her care.
3. As of the hearing date, the issues with respect to Claimant's MA benefits have been resolved.
4. Claimant submitted several requests for CDC benefits for the foster children in her care.
5. As of the hearing date, the Department has approved and activated the correct CDC coverage for some of the foster children in Claimant's care; however, CDC coverage for child A.G. has not been corrected.

6. On October 28, 2014, Claimant submitted a hearing request disputing the Department's actions with respect to her CDC case.
7. On December 11, 2014, Claimant submitted a second hearing request disputing the Department's actions with respect to her CDC and MA benefits.
8. The hearing requests were scheduled for one hearing held on February 9, 2015.

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).

MA

The Medical Assistance (MA) program is established by Title XIX of the Social Security Act, 42 USC 1396-1396w-5; 42 USC 1315; the Affordable Care Act of 2010, the collective term for the Patient Protection and Affordable Care Act, Pub. L. No. 111-148, as amended by the Health Care and Education Reconciliation Act of 2010, Pub. L. No. 111-152; and 42 CFR 430.10-.25. The Department (formerly known as the Family Independence Agency) administers the MA program pursuant to 42 CFR 435, MCL 400.10, and MCL 400.105-.112k.

The hearing was requested to dispute the Department's action taken with respect to Claimant's foster children's MA 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 with respect to MA, as the issues she requested a hearing on had been resolved. Claimant confirmed that no promises were made to her in exchange for her not wanting to continue with the hearing. The Request for Hearing was withdrawn. The Department agreed to the dismissal of the hearing request. Pursuant to the withdrawal of the hearing request filed in this matter, the Request for Hearing is with respect to MA, hereby, **DISMISSED**.

CDC

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, each parent must have a need for such benefits. BEM 703 (April 2014), p.1. A valid need exists if the parent is unavailable to provide the care because of family preservation, high school completion, an approved activity or employment. BEM 703, pp 3-12. CDC may be approved for all need reasons when the child needing care has an active DHS foster care case and the foster care payments are being paid to a licensed foster parent or relative placement when the criteria in BEM 703 is met. BEM 703, pp. 14-15. Eligibility for CDC for active DHS foster care cases ends the earliest of the following: the date the child(ren) is removed from the paid licensed foster parent's home or non-parent relative's home; the date the DHS foster care case is closed; or the date the need no longer exists. BEM 703, p. 15. For categorically eligible cases such as those approved based on foster care, the Department will pay 100% of the Department rates. BEM 706 (April 2014), p. 2.

In this case, Claimant was a licensed foster parent and submitted several applications for CDC benefits for the foster children in her care. At the hearing, Claimant and the Department testified that the only issue remaining with respect to the CDC case was the CDC coverage for one of Claimant's foster children, A.G. The Department testified that A.G. has been in Claimant's care since June 2014 and that due to a system error, Bridges was not recognizing A.G. as a foster child and thus, he was not approved for the correct CDC benefit. (Exhibit 1, at p. 12 and Exhibit 2). The Department testified that the Bridges system is recognizing Claimant only as employment eligible and not categorically eligible based on the child's status as a foster child.(Exhibit 1, pp. 16-18).

The Department acknowledged that Claimant was eligible for CDC benefits on behalf of foster child A.G beginning July 2014 and continuing, and that coverage should be activated at 90 hours with a 100% rate. 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 processed Claimant's CDC benefits.

DECISION AND ORDER

Accordingly, the hearing request with respect to MA is **DISMISSED** and 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. Activate CDC benefits for foster child A.G beginning July 2014, ongoing;
2. Issue CDC supplements to Claimant and her CDC provider from July 2014, ongoing, in accordance with Department policy; and
3. Notify Claimant in writing of its decision.



Zainab Baydoun
Administrative Law Judge
for Nick Lyon, Interim Director
Department of Human Services

Date Signed: **3/6/2015**

Date Mailed: **3/6/2015**

ZB / tlf

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:

