

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

IN THE MATTER OF:

██████████
██████████
██████████

Reg. No.: 15-002377
Issue No.: 5000; 6007
Case No.: ██████████
Hearing Date: March 19, 2015
County: Wayne-District 17

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 March 19, 2015, from Detroit, Michigan. Participants on behalf of Claimant included Claimant. Participants on behalf of the Department of Human Services (Department) included ██████████ ██████████, Family Independence Manager.

ISSUE

Did the Department properly process Claimant's Child Development and Care (CDC) case concerning her minor child G?

Did the Department properly close Claimant's Child Development and Care (CDC) case concerning her minor child C?

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 CDC benefits.
2. Claimant's has two minor children, C and G.
3. G is a recipient of Supplemental Security Income (SSI) benefits.
4. On October 28, 2014, the Department sent Claimant a Notice of Case Action notifying her that CDC benefits were (i) denied for her daughter C for November

16, 2014, ongoing because her gross income exceeded the limit and (ii) approved for her daughter G for November 16, 2014, ongoing.

5. On December 28, 2014, the Department sent Claimant a Notice of Case Action notifying her that CDC benefits for G were denied for November 30, 2014, to December 13, 2014, because Claimant did not have a need for child day care services and because her gross income exceeded the limit. However, the Notice notified Claimant that CDC benefits for G were approved for January 11, 2015, ongoing.
6. On February 10, 2014, Claimant filed a hearing request disputing the Department's actions concerning her CDC case and the amount of a State Emergency Relief (SER) 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.

Claimant requested a hearing concerning her CDC case and a SER decision. At the hearing, she testified that the SER issue had been resolved and she did not wish to pursue a hearing concerning the SER matter. Based on Claimant's withdrawal of her hearing request concerning the SER issue, the SER issue is DISMISSED. The hearing proceeded to address Claimant's CDC case.

The evidence at the hearing established that Claimant's two children, C and G, were receiving CDC benefits. The Department acknowledged that there had been some errors concerning Claimant's CDC case for C, most of which Claimant agreed were resolved prior to the hearing. At the hearing, two issues remained concerning the CDC cases: (1) the closure of Claimant's CDC case concerning C and (2) the Department's failure to issue CDC benefits on G's behalf for two pay periods, January 11, 2015 to January 24, 2015 and January 25, 2015 to February 7, 2015.

The Department established that it sent Claimant a Notice of Case Action on October 28, 2014, informing her that her CDC case concerning C was closing because Claimant had excess gross income. Because Claimant's February 10, 2015 request for hearing was filed more than 90 days after the date the Department sent the October 28, 2014, Notice of Case Action advising her of the CDC case closure, Claimant's hearing request concerning that issue was not timely. BAM 600 (January 2015), p. 6. Therefore, Claimants' hearing request with respect to the closure of C's CDC case is dismissed.

With respect to G's case, the Department acknowledged that Claimant was eligible for CDC benefits for G for the two pay periods between January 11, 2015 and February 7, 2015 and its system indicated that no payment had been issued to the provider. Department policy provides that CDC benefits are payments are made when (i) all eligibility and need requirements are met, (ii) a CDC case is open in Bridges; and (iii) care is provided by an eligible provider. BEM 703 (August 2014), p. 1. In order to receive payment, the provider must bill the Department biweekly for care provided. BEM 703, p. 3. Providers must bill the Department within 90 days after the end of the pay period being billed or 90 days after the authorization was entered by the local office in order to receive payment. BEM 703, p. 3. Although the Department suggested that Claimant's provider was not paid for the two biweekly periods at issue because she had not billed for those periods, there was no evidence supporting the Department's position. In the absence of any such evidence, the Department has failed to satisfy its burden of showing that it acted in accordance with Department policy when it failed to issue CDC benefits on G's behalf.

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 failed to issue CDC benefits on G's behalf for the two pay periods between January 11, 2015 and February 7, 2015.

DECISION AND ORDER

For the reasons discussed above, Claimant's hearing request concerning her SER issue and closure of her CDC case for her daughter C is **DISMISSED**.

The Department's CDC decision concerning her daughter G 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. Issue CDC supplements to Claimant's provider for any CDC benefits which are billed in accordance with Department policy for the January 11, 2015 to January 24, 2015 and the January 25, 2015 and February 7, 2015 pay periods.



Alice C. Elkin
Administrative Law Judge
for Nick Lyon, Interim Director
Department of Human Services

Date Signed: **3/30/2015**

Date Mailed: **3/31/2015**

ACE / 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:

