

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

IN THE MATTER OF:

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████████████████████
██

Reg. No.: 15-004185
Issue No.: 6001
Case No.: ██████████
Hearing Date: April 30, 2015
County: Macomb-District 12

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; and Mich Admin Code, R 792.11002. After due notice, a telephone hearing was held on April 30, 2015, from Detroit, Michigan. Participants on behalf of Claimant included Claimant. Participants on behalf of the Department of Health and Human Services (Department) included ██████████, Hearings Facilitator.

ISSUE

Did the Department properly close Claimant's Child Development and Care (CDC) case on the basis that the parent does not have a need for 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 was an ongoing recipient of CDC benefits.
2. On February 20, 2015, the Department sent Claimant a Notice of Case Action informing her that effective March 8, 2015, her CDC case would be closed on the basis that she did not have a need for CDC benefits. (Exhibit A)
3. On March 10, 2015, Claimant submitted a hearing request disputing the Department's actions.

CONCLUSIONS OF LAW

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

Unless a CDC group is categorically eligible for CDC benefits because the group has an open children's protective services case, the child needing care has an active Department foster care case, or the child needing care (or the parent of the child needing care) receives Family Independence Program (FIP) or Supplemental Security Income (SSI) benefits, the CDC group is eligible for CDC benefits only if income-eligible based on the CDC group size and if a valid need reason exists. BEM 703 (November 2014), pp. 11-13. 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 3-4, 5-12. For CDC eligibility to exist, each parent or substitute parent must demonstrate a valid need reason. Income eligibility for CDC benefits ends when the need ends. BEM 703, pp. 4,17.

In this case, the Department stated that it received information from the Office of Child Support indicating that the father of Claimant's children was in the home and that he was not working, thereby making the group ineligible for CDC benefits, as no need existed. The Department notified Claimant of the CDC case closure effective March 8, 2015, by sending her a February 20, 2015, Notice of Case Action. (Exhibit A). The Department did not have any supporting evidence documentary or otherwise to establish that the father of Claimant's children was residing in the home at the time of the case closure. Claimant testified that her children's father was not living in the home and that he only used her address for mailing purposes.

The Department stated that on March 12, 2015, Claimant submitted a new application for CDC benefits. The Department testified that on April 27, 2015, Claimant's case worker determined that the children's father was not living in the home and that he was just using the address for mail. The Department sent Claimant a Notice of Case Action on April 27, 2015, informing her that she was approved for benefits going back to March 8, 2015. (Exhibit B). Although the Department testified that there was no lapse in Claimant's CDC benefits, Claimant stated that she had not received the Notice of Case

Action prior to the hearing date. Notwithstanding the approval of the March 12, 2015, application, the Department failed to establish that the initial CDC case closure was proper, as no evidence was presented to support the Department's position.

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 did not act in accordance with Department policy when it closed Claimant's CDC case effective March 8, 2015.

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. Reinstate Claimant's CDC case effective March 8, 2015;
2. Issue supplements to Claimant and her CDC provider for any CDC benefits that she was entitled to receive from March 8, 2015, ongoing; and
3. Notify Claimant of its decision in writing.



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

Date Signed: **5/18/2015**

Date Mailed: **5/18/2015**

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 copy of the claim or application for appeal must be filed with the Michigan Administrative Hearing System (MAHS).

A party may request a rehearing or reconsideration of this Hearing Decision from 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:

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 48909-8139

cc:

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