

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 15-006317
Issue No.: 6001
Case No.: [REDACTED]
Hearing Date: June 04, 2015
County: KENT-DISTRICT 1
(FRANKLIN)

ADMINISTRATIVE LAW JUDGE: Gary Heisler

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 June 4, 2015, from Lansing, Michigan. Participants on behalf of Claimant included herself. Participants on behalf of the Department of Health and Human Services (Department) included Eligibility Specialist (ES) [REDACTED] and Family Independence Manager (FIM) [REDACTED].

ISSUE

Did the Department properly deny Claimant's February 9, 2015, Child Development and Care Program application?

Did the Department properly process Claimant's February 28 2015, Child Development and Care Program application?

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 February 9, 2015, Claimant submitted a Child Development and Care Program application.
2. On February 25, 2015, Claimant was sent a Notice of Case Action (DHS-1605) which stated her Child Development and Care Program application was denied.
3. On February 28, 2015, Claimant submitted another online Child Development and Care Program application.

4. On March 4, 2015, Claimant was sent a new Child Development and Care Provider Verification (DHS-4025) form.
5. On April 16, 2015, Claimant submitted a hearing request. In the hearing request Claimant indicates she submitted another Child Development and Care Program application after the February 25, 2015 denial and has not been approved or denied.

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.

In this case Claimant does not dispute denial of the February 9, 2015 Child Development and Care Program application. Claimant testified that she understands the provider she submitted with that application was no longer an authorized provider. However, Claimant testified that she: submitted another online Child Development and Care Program application on February 28, 2015; filled out and timely submitted a new Child Development and Care Provider Verification (DHS-4025); never heard anything more about that application.

The hearing request Claimant submitted indicates she is asking for a hearing about a subsequent application. Claimant submitted a different Child Development and Care Provider Verification (DHS-4025) form with the hearing request. The Child Development and Care Provider Verification (DHS-4025) was printed on March 4, 2015, signed by Claimant on March 8, 2015, and signed by the newly requested provider on March 9, 2015. Claimant's testimony is found credible. Bridges Administration Manual (BAM) 600 Hearings (2015) at page 4, does provide that a hearing may be granted for "delay of any action beyond standards of promptness."

Bridges Administration Manual (BAM) 115 Application Processing (2015) at page 6 states:

APPLICATION AFTER DENIAL/ TERMINATION

All Programs

The following applies when an application is denied **or** eligibility is terminated before the month of a scheduled redetermination or end date:

The application on file remains valid through the last day of the month **after** the month of the denial or termination. To reapply during this time, the client/AR must do all of the following:

Update the information on the existing application.

Initial and date each page next to the page number to show that it was reviewed.

Re-sign and re-date the application on the signature page.

If eligibility exists, the updated application is valid until the originally scheduled redetermination or end date.

Reminder: An application *cannot* be updated or re-signed outside the local office except as part of a home call.

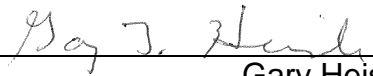
This procedure was put into policy when paper applications were the only option. It is still in policy and what mechanics of this policy have been programmed into BRIDGES for online applications is not known. However, the evidence in this record establishes that Claimant did submit a Child Development and Care Program application on or about February 28, 2015. The March 4, 2015 Child Development and Care Provider Verification (DHS-4025) indicates the Department began the process of determining Claimant's CDC eligibility. However, there is no evidence which indicates the Department completed determining eligibility. BAM 115 requires notice be provided of the Department's eligibility determination. 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 February 28 2015, Child Development and Care Program application.

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. Process Claimant's February 28, 2015 Child Development and Care Program application in accordance with Department policy.
2. Issue Claimant notice of the Child Development and Care Program eligibility determination.



Gary Heisler
Administrative Law Judge
for Nick Lyon, Director
Department of Health and Human Services

Date Signed: **7/2/2015**

Date Mailed: **7/2/2015**

GFH / ■

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:

