

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

**IN THE MATTER OF:**

████████████████████  
████████████████████  
████████████████████

Reg. No.: 15-006907  
Issue No.: 6001  
Case No.: ██████████  
Hearing Date: June 08, 2015  
County: WAYNE-DISTRICT 15  
(GREYDALE)

**ADMINISTRATIVE LAW JUDGE: Lynn M. Ferris**

**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 8, 2015, from Detroit, Michigan. Participants on behalf of Claimant included the Claimant. Participants on behalf of the Department of Health and Human Services (Department) included ██████████, Assistance Payments Worker.

**ISSUE**

Did the Department properly reduce the Claimant's Child Development and Care (CDC) need hours?

**FINDINGS OF FACT**

The Administrative Law Judge, based on the competent, material, and substantial evidence on the whole record, finds as material fact:

1. The Claimant was an ongoing recipient of CDC and her CDC need was based upon employment and approved school activity.
2. The Department issued a Notice of Case Action on January 27, 2015 approving the Claimant for CDC for one child. This Notice of Case Action closed Claimant's CDC case on February 22, 2015 in error. Exhibit 2.
3. The CDC case need hours were corrected to 60 hours bi-weekly based upon Claimant's employment. Exhibit 3.

4. The Department issued a Notice of Case Action on April 14, 2015 reducing the Claimant's CDC to 60 hours. Exhibit 4.
5. The Department reinstated the Claimant's CDC case on February 22, 2015 to correct the need hours to reflect need based upon employment only. When the Claimant stopped attending the approved school activity, the Claimant was no longer eligible for the 90 hours based upon approved school activity bi-weekly. Exhibit 1.
6. The Claimant requested a hearing on April 29, 2015 protesting the Department's actions reducing her CDC.

### **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).

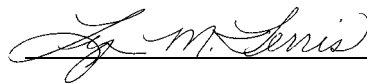
The Child Development and Care (CDC) program is established by Titles IVA, IVE and XX of the Social Security Act, 42 USC 601-619, 670-679c, and 1397-1397m-5; the Child Care and Development Block Grant of 1990, PL 101-508, 42 USC 9858 to 9858q; and the Personal Responsibility and Work Opportunity Reconciliation 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, the Claimant sought a hearing based upon a shortfall in CDC benefits for one of her daughters due to Claimant's CDC need hours being reduced. Based upon the evidence presented, the Department corrected the CDC need hours based on Claimant no longer attending school and that the need reason when adjusted for employment only, based upon 60 hours was correct. Although the Department erroneously closed the Claimant's CDC case improperly on February 22, 2015, subsequently, the Department corrected the closure error back to the case closure of February 22, 2015 to correct the need amount and reinstate the Claimant's CDC case which was erroneously closed. It should be noted that the Claimant is not challenging the need determination of 60 hours for her employment, but sought assistance for a bill she incurred for day care expenses based upon the old need allowance which was no longer authorized because school had ended and the Claimant had graduated. The Department was not responsible to pay for any CDC over and above 60 hours based upon Claimant's employment. BEM 702 (July 1, 2015) p. 10.

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 acted in accordance with Department policy when it reduced the Claimant's CDC need hours and reinstated the Claimant's CDC case which was closed erroneously on February 22, 2015.

**DECISION AND ORDER**

Accordingly, the Department's decision is **AFFIRMED**.



---

**Lynn M. Ferris**  
Administrative Law Judge  
for Nick Lyon, Director  
Department of Health and Human Services

Date Signed: **7/8/2015**

Date Mailed: **7/8/2015**

LMF / cl

**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]