

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 15-008644
Issue No.: 6001
Case No.: [REDACTED]
Hearing Date: July 21, 2015
County: Oakland-District 2

ADMINISTRATIVE LAW JUDGE: Kevin Scully

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 July 21, 2015, from Lansing, Michigan. Participants on behalf of Claimant included [REDACTED] and her husband [REDACTED]. Participants on behalf of the Department included [REDACTED] and [REDACTED] as hearing facilitators.

ISSUE

Did the Department of Health and Human Services (Department) properly deny 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. On November 1, 2014, the Department notified the Claimant that her eligibility for Child Development and Care (CDC) benefits ended November 1, 2014.
2. On November 1, 2014, the Department notified the Claimant that her childcare provider was no longer enrolled as a provider because she had not billed for childcare within the previous four months.
3. On February 10, 2015, the Department sent the Claimant a Redetermination (DHS-1010).
4. On May 20, 2015, the Department received the Claimant's request for a hearing protesting the denial of Child Development and Care (CDC) benefits.

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.

At application or redetermination, eligibility for CDC benefits exists when the department has established all of the following:

- There is a signed application requesting CDC services.
- Each P/SP; is a member of a valid ELIGIBILITY GROUP; see Parent/Substitute Parent section in this item.
- Each P/SP meets the NEED criteria as outlined in this item.
- An eligible provider is providing the care.
- All eligibility requirements are met. Department of Human Services Bridges Eligibility Manual (BEM) 703 (November 1, 2014), p 1.

The Claimant reported a change of her benefit group size and composition to the Department but the Department failed to process this change. On November 1, 2014, the Department notified the Claimant that her childcare provider was no longer enrolled as an approved provider because the provider had not billed for childcare within the previous four months. The Claimant discovered that her benefit group had not been updated when she received the Department's February 10, 2015, Redetermination (DHS-1010) form. After returning her Redetermination form, the Claimant also discovered that she had not been eligible for CDC benefits.


This Administrative Law Judge finds that there is no entitlement to retroactive CDC benefits. Eligibility for CDC benefits exists when a client has established that all the program requirements have been met. In this case, the Claimant did not meet all the requirements because her childcare provider was not an eligible provider. Despite the fact that the Claimant may have met all of the other requirements of the CDC program, she is not entitled to request retroactive benefits now that her provider has been re-enrolled.

The Claimant is not entitled to a hearing to protest the termination of her provider's enrollment in the CDC program. The provider had a right to a separate administrative review to protest her termination as a provider.

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 denied the Claimant's request for Child Development and Care (CDC) benefits.

DECISION AND ORDER

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



Kevin Scully
Administrative Law Judge
for Nick Lyon, Director
Department of Health and Human Services

Date Signed: **7/28/2015**

Date Mailed: **7/28/2015**

KS/las

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:

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:

