

**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.: 15-009205
Issue No.: 6004
Case No.: ██████████
Hearing Date: July 15, 2015
County: Macomb-District 12

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; and Mich Admin Code, R 792.11002. After due notice, a telephone hearing was held on July 15, 2015, from Detroit, Michigan. Participants on behalf of Claimant included Claimant. Participants on behalf of the Department of Health and Human Services (Department) included ██████████, Hearing Facilitator. ██████████, a Department intern, was present in the hearing but did not participate.

ISSUE

Did the Department properly process Claimant's Child Development and Care (CDC) case for May 2015?

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 with a need for benefits based on employment.
2. In her January 2015 redetermination, Claimant advised the Department that her employment had ended in December 2014 but she was participating in online education courses.
3. The Department recertified Claimant's CDC case but did not process the need change.

4. On May 28, 2015, the Department sent Claimant a Notice of Case Action notifying her that her CDC case was closing effective June 13, 2015, because she lacked a valid need for benefits.
5. On June 1, 2015, Claimant filed a request for hearing disputing the Department's actions and seeking payment to her provider for child care services provided in May 2015.

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 the hearing, Claimant testified that she was no longer disputing the closure of her CDC case because she had pulled her children from day care on May 27, 2015, the same day she was advised by her worker that she did not have a valid need for CDC benefits and the Department would close her case. However, she continued to be concerned by the Department's failure to pay her provider for childcare services provided from May 2, 2015 to May 27, 2015.

At the hearing, the Department confirmed that Claimant's provider had not received payment for services provided from May 2, 2015 to May 27, 2015. The Department contended, however, that because the Department had improperly recertified her CDC case based on the incorrect need reason of employment, Claimant was ineligible for CDC benefits during this period.

CDC payments are made when all eligibility and need requirements are met. BEM 706 (August 2014), p. 1. In order to be eligible for CDC benefits, a client must have a need for such benefits. BEM 703 (November 2014), p. 1. There are four valid CDC need reasons: (i) family preservation, (ii) high school completion; (iii) an activity approved by the Department or the Michigan Works Association (MWA); and (iv) employment. BEM 703, p. 4. Approved activities include participation in a post-secondary education program. BEM 703, p. 703. Online educational programs can be approved only if all of

the following three requirements are met: (i) attendance is mandatory; (ii) the number of required hours of online attendance time is verified; and (iii) attendance is required at specific, regularly scheduled times. If the program is self-paced and can be completed at any time, care cannot not be approved for this need reason. BEM 703, p. 10.

In this case, Claimant acknowledged that she was unable to provide the verification necessary for her online education program to be an approved activity by the Department. Because Claimant could not establish a need for CDC benefits for May 2, 2015 to May 27, 2015, the Department acted in accordance with Department policy when it did not process payment to Claimant's provider for services during that period. Although Claimant presented a May 28, 2015, Child Care Client Authorization form, DHS 198-C, in support of her position that the Department advised her that it would process provider payments for the month of May 2015, the authorization only covers the pay period from April 19, 2015 to May 2, 2015 (Exhibit 1). Therefore, it does not support Claimant'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 acted in accordance with Department policy when it failed to process CDC provider payments for May 2, 2015 to May 27, 2015.

DECISION AND ORDER

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



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

Date Signed: **7/24/2015**

Date Mailed: **7/24/2015**

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 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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