

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

IN THE MATTER OF:



MAHS Reg. No.: 15-018013
Issue No.: 6003
Agency Case No.: [REDACTED]
Hearing Date: December 09, 2015
County: Wayne (15) Greystone

ADMINISTRATIVE LAW JUDGE: Lynn M. Ferris

HEARING DECISION

Following Petitioner'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 December 9, 2015, from Detroit, Michigan. The Petitioner was represented by the Petitioner, [REDACTED]. The Department of Health and Human Services (Department) was represented by [REDACTED], Eligibility Specialist.

ISSUE

Did the Department properly close the Petitioner's Child Development and Care (CDC) case?

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 Petitioner was an ongoing recipient of CDC benefits for her two children.
2. The Department sent the Petitioner a redetermination dated July 14, 2015, due August 3, 2015. The redetermination form was returned by Petitioner on September 4, 2015, after the due date. Exhibits A and B.
3. The Department issued a Notice of Case Action on August 20, 2015, closing the Petitioner's CDC case effective September 6, 2015. The closure was due to failure to complete the redetermination. Exhibit B.
4. The Petitioner reapplied for CDC on August 25, 2015. The Petitioner provided a paystub to the Department via fax on August 28, 2015. Exhibits C and D.
5. The Department issued a Notice of Case Action on September 10, 2015, approving the Petitioner's CDC application effective September 6, 2015, ongoing for 60 hours biweekly for each child at 100 percent. Exhibit E.

6. The Petitioner requested a hearing on September 17, 2015, protesting 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).

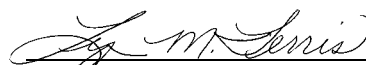
The Child Development and Care (CDC) program is established by Titles IVA, IVE and XX of the Social Security Act, 42 USC 601-619, 670-679c, and 1397-1397m-5; the Child Care and Development Block Grant of 1990, PL 101-508, 42 USC 9858 to 9858q; and the Personal Responsibility and Work Opportunity Reconciliation 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.

In this case, the Petitioner requested a hearing due to her belief that the Department closed her CDC benefits case as of August 1, 2015, through September 6, 2015. At the hearing, the Department presented two Notices of Case Action. The first Notice of Case Action dated August 20, 2015, closed the Petitioner's CDC case effective September 6, 2015. The second Notice of Case Action dated September 10, 2015, approved the Petitioner effective September 6, 2015, for 60 hours biweekly for each child at 100 percent. Based upon these proofs, the Petitioner had no lapse in CDC benefits as the closure and reopening due to an August 26, 2015, application caused there to be no lapse in CDC benefit eligibility. Although the Petitioner complained of her CDC authorized hours going down, they did not; and she received 100 percent not 95 percent as stated in her hearing request. This being the case, there is nothing further for the undersigned to determine as there was no lapse in coverage.

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 closed and then opened the Petitioner's CDC case, as its actions cause no lapse in CDC benefits available to Petitioner thus there is no further relief necessary or that can be granted.

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 Mailed: **12/30/2015**

LMF/jaf

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:

