

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

IN THE MATTER OF:

[REDACTED]

MAHS Reg. No.: 15-018131
Issue No.: 6004
Agency Case No.: [REDACTED]
Hearing Date: [REDACTED]
County: Genesee-Union St District

ADMINISTRATIVE LAW JUDGE: Vicki Armstrong

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 [REDACTED] from Lansing, Michigan. Claimant personally appeared and testified. The Department of Health and Human Services (Department) was represented by Eligibility Specialist [REDACTED].

ISSUE

Did the Department properly process Claimant's Child Development and Care (CDC) application on [REDACTED]?

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 [REDACTED], Claimant faxed a 10-page CDC application with proper verifications to the Department. The left side margin indicates pages 1 through 10 were faxed on [REDACTED]. (Dept Ex. A, pp 5-9).
2. On [REDACTED] the Department only uploaded the cover sheet of the fax and the verifications into Bridges. (Testimony of Eligibility Specialist during the hearing).
3. On [REDACTED], Claimant faxed in a CDC application and verifications which on the left margin showed pages 1 through 10 were faxed on [REDACTED] at 5:30PM. (Dept Ex. A, pp 10-19).
4. On [REDACTED], the Department issued a Notice of Case Action informing Claimant her [REDACTED] CDC application was approved for [REDACTED] through [REDACTED]. (Dept Ex. A, pp 20-22).

5. On [REDACTED], the Department received Claimant's request for a hearing contesting CDC benefits for [REDACTED]. (Dept Ex. A, p 4).
6. A Pre-hearing Conference was held on [REDACTED]. (Dept Ex. A, p 3).

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.

During the hearing, the Eligibility Specialist acknowledged that Claimant did in fact fax in 10 pages to the Department on [REDACTED]. The Eligibility Specialist explained that only the five pages of exhibits were uploaded into Bridges. As a result, the Department did not process the [REDACTED] CDC application. However, based on the evidence presented by Claimant, the Eligibility Specialist admitted it was a Department error and Claimant's [REDACTED] CDC application should have been processed.

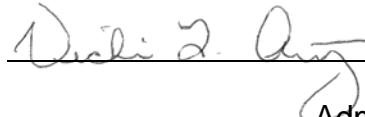
The Administrative Law Judge, based on the above Findings of Fact and Conclusions of Law, and for the reasons stated on the record, if any, finds that the Department did not act in accordance with Department policy when it failed to process Claimant's [REDACTED] CDC application, because an error was made by the Department in only uploading the verifications and not the application it received. The five pages the Department failed to upload on [REDACTED], was the actual CDC application which the Department acknowledged was received by the Department.

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 [REDACTED] CDC application and award to Claimant, any retroactive CDC benefits she may be otherwise entitled to.
2. If a Help Desk ticket is required please issue an EXPEDITED Help Desk ticket.



Vicki Armstrong
Administrative Law Judge
for Nick Lyon, Director
Department of Health and Human Services

Date Signed: [REDACTED]

Date Mailed: [REDACTED]

[REDACTED]

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:

