

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

IN THE MATTER OF:



Reg. No.: 15-001635
Issue No.: 2001, 6000
Case No.: [REDACTED]
Hearing Date: April 14, 2015
County: Oakland (3) Southfield

ADMINISTRATIVE LAW JUDGE: Darryl Johnson

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 April 14, 2015, from Lansing, Michigan. Participants on behalf of Claimant included Claimant and her husband, [REDACTED]. Participants on behalf of the Department of Human Services (Department) included Hearings Facilitator [REDACTED].

ISSUE

Did the Department properly close Claimant's Medical Assistance (MA) and 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. Claimant was an on-going recipient of CDC and MA.
2. In an application for MA dated September 1, 2014, Claimant reported self-employment income within the group that had not previously been budgeted. The reported employment was as an [REDACTED] driver. (Exhibit A Page 8.)
3. A Front End Eligibility investigation was commenced and the investigator determined Claimant's husband had employment with [REDACTED] [REDACTED] [REDACTED] and Professional Educational Services, as well as self-employment income as an accountant and as an Uber driver.
4. Claimant is enrolled full-time in medical school.
5. On November 5, 2014, the Department mailed a Verification Checklist (VCL) requiring Claimant to verify her husband's self-employment income. (Exhibit A Pages 11-12.)

6. On November 12, 2014, the Department received a copy of one page of the husband's Temporary Employment Agreement with [REDACTED] Wireless. (Exhibit A Page 15.)
7. On November 20, 2014, the Department mailed another VCL for her husband to verify his employment with [REDACTED] (sic) Wireless and [REDACTED] (Exhibit A Pages 13-14.)
8. On November 20, 2014, the Department closed Claimant's CDC finding she was not eligible for covered services.
9. On December 30, 2014, the Department mailed a New Hire Client Notice to Claimant for verification of her husband's employment with Professional Educational Services (Exhibit A Pages 16-17) and his employment with PESGMI Charter LLC (Exhibit A Pages 18-19).
10. On January 26, 2015, the Department received Claimant's hearing request.
11. The Department subsequently informed Claimant that her MA would be closing effective February 1, 2015.

CONCLUSIONS OF LAW

Department policies are contained in the Department of Human Services Bridges Administrative Manual (BAM), Department of Human Services Bridges Eligibility Manual (BEM), Department of Human Services Reference Tables Manual (RFT), and Department of Human Services Emergency Relief Manual (ERM).

he Medical Assistance (MA) program is established by Title XIX of the Social Security Act, 42 USC 1396-1396w-5; 42 USC 1315; the Affordable Care Act of 2010, the collective term for the Patient Protection and Affordable Care Act, Pub. L. No. 111-148, as amended by the Health Care and Education Reconciliation Act of 2010, Pub. L. No. 111-152; and 42 CFR 430.10-.25. The Department (formerly known as the Family Independence Agency) administers the MA program pursuant to 42 CFR 435, MCL 400.10, and MCL 400.105-.112k.

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.

To be eligible for CDC, the parent must show a need. Each parent/substitute parent must be unavailable due to a valid need reason. Those reasons include family preservation, high school completion, approved activity, and employment. See BEM 703 (11/1/14) page 2. "Approved Activity" can include school, but at page 10 it specifically states: "Child care benefits for this need reason cannot be approved for

graduate, medical or law school.” Claimant testified that she is enrolled full-time in medical school. She is not eligible because she has not established a need.

Claimant also testified that she disagrees with the decision to deny her MA. That decision was effective after Claimant submitted her hearing request and, therefore, is not within the jurisdiction of this Administrative Law Judge to decide at this time.

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 Claimant’s CDC.

DECISION AND ORDER

Accordingly, the Department’s decision regarding CDC is **AFFIRMED**. No decision is rendered regarding any MA issues as they are not properly within the jurisdiction of this hearing.



Darryl Johnson
Administrative Law Judge
for Nick Lyon, Interim Director
Department of Human Services

Date Signed: **4/16/2015**

Date Mailed: **4/16/2015**

DJ/hj

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:

