

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

IN THE MATTER OF:

██████████
██████████
██████████

Reg. No.: 15-003552
Issue No.: 6004
Case No.: ██████████
Hearing Date: April 16, 2015
County: Wayne Pathways To Potential

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 3-way telephone hearing was held on April 16, 2015, from Detroit, Michigan. Participants on behalf of Claimant included Claimant. Participants on behalf of the Department of Health and Human Services (Department) included ██████████, Success Coach at Pathways to Potential.

ISSUE

Did the Department properly register and process Claimant's Child Development and Care (CDC) application on December 15, 2014?

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 December 15, 2014, the Department received Claimant's CDC application.
2. On December 23, 2014, the Department approved Claimant's application for CDC benefits for December 14, 2014, ongoing.
3. On March 25, 2014, Claimant filed a request for hearing alleging that the Department had failed to register and process her application when she first mailed it in on October 28, 2014.

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.

Claimant alleges that, although the Department approved a CDC application she faxed to the Department on December 15, 2014, she had previously submitted the application to the Department, first by mail on October 28, 2014, and then directly to her worker a few weeks later. She claimed that, after her worker told her that she was unable to get the document faxed to Lansing, she picked it back up from her worker and faxed it directly to Lansing herself. Claimant was unable to identify any dates when she provided documents to her worker or when she picked them up from her worker.

The date of a paper application is the date the local office receives the required minimum information on the application. BAM 110 (July 2014), p. 5. In this case, the Department denied receiving the application Claimant alleged that she mailed in and presented a printout from its system showing the documents that had been received from Claimant to establish that a CDC application was not recorded as received by the Department after October 28, 2014, and prior to December 15, 2014 (Exhibit B). The Department worker at the hearing, who was Claimant's worker, also testified that she had no recollection of Claimant providing a copy of the application to her at any time. She agreed that, consistent with Claimant's testimony, she would fax any received document to Lansing on a client's behalf but testified that she had no recollection of attempting to fax Claimant's application and she checked her case notes relating to Claimant's case and had no notes to that effect.

In the absence of any evidence from Claimant concerning the dates she provided her application to her worker and the worker's testimony that she did not have any recollection or record of receiving the application from Claimant prior to December 15, 2015, 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 processed Claimant's CDC application on December 15, 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: **4/29/2015**

Date Mailed: **4/29/2015**

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]
[REDACTED]