

**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.: 15-007046
Issue No.: 6001
Case No.: ██████████
Hearing Date: June 04, 2015
County: MACOMB-DISTRICT 12
(MT CLEMENS)

ADMINISTRATIVE LAW JUDGE: Lynn M. Ferris

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 June 4, 2015, from Detroit, Michigan. Participants on behalf of Claimant included the Claimant. Participants on behalf of the Department of Health and Human Services (Department) included ██████████, Hearing Facilitator.

ISSUE

Did the Department properly deny the Claimant's CDC application?

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 Claimant applied for CDC and the application was registered on January 25, 2015.
2. On March 11, 2015 the Department issued a Notice of Case Action denying the Claimant's CDC application effective January 25, 2015 for failure to verify provider start of care. Exhibit 1.
3. The Claimant was sent a verification checklist on February 5, 2015 due on February 17, 2015. The verifications were received on February 16, 2015. The provider verification indicated care would start February 23, 2015. Exhibit 2 and 4.

4. The Department contacted the Claimant on February 27, 2015 and was advised that day care services had not started.
5. The Claimant was sent a second verification checklist on February 27, 2015 requesting a CDC provider agreement be completed so the Department could determine when day care would begin. Proofs were due March 9, 2015. The Department did not receive this verification from the Claimant.
6. The Claimant reapplied for CDC on April 5, 2015 and was approved as of that date.
7. Another Child Care Provider Verification was faxed to the Department on April 16, 2015 and indicated that provider services began on March 11, 2015. Exhibit 5.
8. The Claimant requested a hearing on April 3, 2015 protesting the Department's action regarding the denial of her CDC application.

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 Department denied the Claimant's CDC because the child care did not start on February 23, 2015, the date indicated on the provider verification. Exhibit 5. The provider was a child care center and there appears no question was raised as to whether the provider was licensed or was approved. The Department requested another verification so it could determine when day care started. This verification was never received. BEM 704, (April 1, 2014) p. 1.

BEM 702 provides that verifications be made at application and prior to authorizing benefits. The Claimant met all the required verifications at application including that her provider was an enrolled and eligible provider. Exhibit 2.

Eligibility for CDC services exists when the department has established **all** of the following:

- There is a **signed application** requesting CDC services.
- Each P/SP; is a member of a valid **ELIGIBILITY GROUP**; see Parent/Substitute Parent section in this item.
- Each P/SP meets the **NEED** criteria as outlined in this item.
- An eligible provider is providing the care.
- All eligibility requirements are met. BEM 703, (November 1, 2014) p. 1

BEM 702 requires **that in order to authorize benefits**, the Department must verify the date care began:

Verification Prior to Authorizing Benefits

Verify the children in care, **the date care began**, where care is provided and the provider's relationship to the children with the DHS-4025, Child Development and Care Provider Verification. This form must be signed by both the parent and all provider types (centers, homes, unlicensed) and is required:

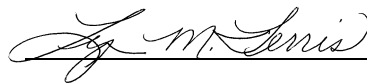
- At application.
- When adding a child to an active CDC case.
- When there is a break in a provider's assignments.
- When a new provider is being assigned to a child. BEM 702, (August 1, 2014) p. 2

The Department clearly attempted to determine when care began and the second verification was never received back from the Claimant, thus the Department properly denied the first CDC application registered January 25, 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 denied the Claimant's CDC application.

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 Signed: **7/6/2015**

Date Mailed: **7/6/2015**
LMF / cl

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]
[REDACTED]