

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 15-007956
Issue No.: 6001
Case No.: [REDACTED]
Hearing Date: July 21, 2015
County: Kent-District 1

ADMINISTRATIVE LAW JUDGE: Kevin Scully

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, telephone hearing was held on July 21, 2015, from Lansing, Michigan. Participants on behalf of Claimant included [REDACTED] and [REDACTED]. [REDACTED] an interpreter fluent in Swahili from Language Link was provided by the Department to assist the Claimant. Participants on behalf of the Department included [REDACTED], Family Independence Manager, and [REDACTED].

ISSUE

Did the Department of Health and Human Services (Department) properly deny the Claimant's application for 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. On March 2, 2015, the Claimant applied for Child Development and Care (CDC) benefits.
2. On March 3, 2015, the Department notified the Claimant that it had denied the Claimant's request for Child Development and Care (CDC) benefits.
3. On May 14, 2015, the Department received the Claimant's request for a hearing protesting the denial of Child Development and Care (CDC) benefits.

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.

At application, each parent must demonstrate a valid need reason. There are four valid CDC need reasons and each parent of the child needing care must have a valid need reason when child care is requested. Department of Health and Human Services Bridges Eligibility Manual (BEM) 703 (November 1, 2014), p 4.

The four valid CDC need reasons are:

1. Family preservation.
2. High school completion.
3. An approved activity.
4. Employment. BEM 703.

Reinstatement restores a closed program to active status without completion of a new application. Closed programs may be rein-stated for any of the following reasons:

- Closed in error.
- Closed-correct information not entered.
- Timely hearing request.
- Redetermination packet not logged in.
- Hearing decision ordered reinstatement.
- Complied with program requirements before negative action date.
- DHS-1046 manually sent and due date is after the last day of the 6th month.

- Court ordered reinstatement. Department of Health and Human Services Bridges Administrative Manual (BAM) 205 (July 1, 2015), p 1.

The Claimant applied for CDC benefits on March 2, 2015, and reported to the Department that she was seeking employment. On March 3, 2015, the Department notified the Claimant that it had denied CDC benefits because there was no valid reason for her to need subsidized childcare.

Soon after the Claimant's application was denied, the Claimant did obtain employment. The Claimant later re-applied for CDC benefits and the Department approved this application.

The Claimant argued that the Department should approve her for retroactive CDC benefits for the period that she met all the requirements of the CDC program.

This Administrative Law Judge finds that on March 3, 2015, the Claimant did not meet the requirements of the CDC program because she was not employed on that date. The Department was acting in accordance with policy when it denied CDC benefits.

Later the Claimant started employment, which is a valid need for childcare. There is no entitlement to retroactive CDC benefits and the Department had no reason to re-evaluate the Claimant's circumstances with respect to the CDC program until she re-applied for benefits. Furthermore, the Claimant failed to establish a basis for reinstatement as outlined in BAM 205 and a new application was required.

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 Child Development and Care (CDC) application on March 3, 2015, and denied retroactive benefits before she re-applied for CDC benefits.

DECISION AND ORDER

Accordingly, the Department's decision is **AFFIRMED**.



Kevin Scully
Administrative Law Judge
for Nick Lyon, Director
Department of Health and Human Services

Date Signed: **7/27/2015**

Date Mailed: **7/27/2015**

KS/las

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:

