

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

IN THE MATTER OF:

██████████
██████████
██████████

Reg. No.: 15-013932
Issue No.: 6001
Case No.: ██████████
Hearing Date: September 24, 2015
County: Wayne-District 17

ADMINISTRATIVE LAW JUDGE: Zainab Baydoun

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 September 24, 2015, from Detroit, Michigan. Participants on behalf of Claimant included Claimant and her mother/Authorized Hearing Representative (AHR) ██████████. Participants on behalf of the Department of Health and Human Services (Department) included ██████████, Family Independence Specialist.

ISSUE

Did the Department properly process Claimant's 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. In January 2015, Claimant submitted an application for CDC benefits that was denied by the Department on an unverified date.
2. On March 2, 2015, Claimant submitted a redetermination for her Medical Assistance (MA) and Food Assistance Program (FAP) benefits. (Exhibit A)
3. On March 19, 2015, the Department sent Claimant an Application Notice informing her that she was not eligible for CDC and that her application was denied. (Exhibit B).

4. On May 28, 2015, Claimant's CDC provider became licensed and eligible to receive CDC payments from the Department.
5. On July 6, 2015, Claimant submitted an application for CDC benefits.
6. On July 27, 2015, the Department sent Claimant a Notice of Case Action informing her that her CDC application was approved for the period of June 28, 2015, ongoing. (Exhibit C)
7. On July 29, 2015, Claimant requested a hearing disputing the Department's actions with respect to her 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.

In this case, Claimant requested a hearing disputing the Department's actions with respect to her CDC case. At the hearing, Claimant raised two concerns: (i) the Department's actions concerning applications that she states she submitted in January 2015 and March 2015; and (ii) the eligibility begin date in connection with her July 6, 2015, application.

January 2015 and March 2015 CDC Applications

MAHS may grant a hearing about a denial of an application and/or supplemental payments; reduction in the amount of program benefits or service; suspension or termination of program benefits or service; restrictions under which benefits or services are provided or delay of any action beyond the standards of promptness. BAM 600, pp. 4-5. Moreover, BAM 600, p. 6 provides that a request for hearing must be received in the Department local office within 90 days of the date of the written notice of case action

With respect to the application submitted in January 2015, the Department testified that the application was received and that it was denied. It was unclear on what date the

application was denied, however. Claimant asserted that she also submitted an application for CDC benefits electronically on either March 2, 2015, or March 3, 2015.

The Department stated that it did not have any record of a CDC application submitted by Claimant in March 2015. The Department stated that on March 2, 2015, it received a redetermination from Claimant for her FAP and MA cases, but that no reference to CDC was made at that time. The Department reviewed the program request summary on Bridges and stated that the only other 2015 application for CDC received was the one submitted on July 6, 2015. Claimant did not present any documentation or an electronic confirmation or tracking number to support her testimony that she submitted a CDC application in March 2015. Thus, Claimant did not establish that she submitted a CDC application in March 2015.

Claimant later stated that she received a CDC denial notice in March 2015. After reviewing the correspondence history in Bridges, the Department produced an Application Notice dated March 19, 2015, advising of the denial of CDC benefits. (Exhibit B). While Claimant maintained that the denial notice was associated with her March 2015 CDC application, the Department stated that it was likely the denial notice associated with her January 2015 application, since the Department did not have a record of a CDC application submitted in March 2015. Claimant confirmed that she did not receive any other denial notices from the Department concerning CDC and stated that she was disputing the Department's actions with respect to the Application Notice dated March 19, 2015.

A review of the March 19, 2015, Application Notice establishes that Claimant was advised of her appeal rights and the requirement that an appeal of the Department's action must be received within 90 days of the Notice date. Claimant did not request a hearing until July 29, 2015. Therefore, Claimant's hearing request with respect to the Application Notice was not timely filed within ninety days and is, therefore, **DISMISSED** for lack of jurisdiction. Furthermore, because Claimant did not establish that a CDC application was submitted in March 2015, there was no negative action taken by the Department and as such, the hearing request with respect to a March 2015 CDC application is also **DISMISSED** for lack of jurisdiction.

July 6, 2015 CDC Application

Claimant requested a hearing disputing the effective date of her eligibility for CDC benefits after the Department approved her July 6, 2015, CDC application. The Department testified that Claimant was approved for CDC with an effective date of June 28, 2015. (Exhibit C). Claimant asserted that because her CDC provider was licensed and authorized to accept payment as of May 28, 2015, she should be supplemented for CDC benefits from May 28, 2015, to June 28, 2015, as she had taken her children to the CDC provider during this time and incurred costs.

Department policy provides that for CDC eligibility effective dates, the first day that care may be authorized is the latest of the following: the CDC application receipt date; the

date the child care need begins; the date the provider becomes eligible for subsidy payments; or the date the unlicensed provider completes the basic training requirement. BAM 115 (July 2015), p. 26.

Based on the evidence presented, the Department properly processed Claimant's July 6, 2015, CDC application and determined that she was eligible for CDC benefits beginning the pay period of June 28, 2015. Despite the CDC provider being licensed and authorized to accept payment, Department policy does not allow for Claimant's CDC provider to be paid for the period prior to June 28, 2015, as this was prior to the application receipt date.

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 benefits.

DECISION AND ORDER

Accordingly, the hearing request with respect to the January 2015 and March 2015 CDC applications is **DISMISSED** and the Department's decision with respect to the July 6, 2015, CDC application is **AFFIRMED**.



Zainab Baydoun
Administrative Law Judge
for Nick Lyon, Director
Department of Health and Human Services

Date Signed: **10/01/2015**

Date Mailed: **10/01/2015**

ZB / 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]
[REDACTED]