

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

IN THE MATTER OF:

[REDACTED]

MAHS Reg. No.: 15-016768
Issue No.: 6001
Agency Case No.: [REDACTED]
Hearing Date: December 17, 2015
County: WAYNE-DISTRICT 55

ADMINISTRATIVE LAW JUDGE: Zainab Baydoun

HEARING DECISION

Following Petitioner'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 November 12, 2015, from Detroit, Michigan. Petitioner appeared for the hearing and represented herself. The Department of Health and Human Services (Department) was represented by [REDACTED], Eligibility Specialist. Soon after commencement of the hearing, a power outage occurred at the local office where the hearing was being held, resulting in the phone being disconnected. An Order of Continuance was issued and a new Notice of Hearing sent to the parties advising of the continued hearing date of [REDACTED].

A telephone hearing was held on [REDACTED], from Detroit, Michigan. Petitioner appeared for the hearing and represented herself. The Department of Health and Human Services (Department) was represented by [REDACTED], Eligibility Specialist.

ISSUE

Did the Department properly process Petitioner'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. Petitioner was previously the foster parent to four minor children and was an ongoing recipient of CDC benefits.

2. In January 2015, Petitioner finalized the adoption of the four minor children and changed their last names to reflect her last name. New social security cards/numbers were also issued to the children.
3. Petitioner was receiving CDC benefits for two of the children, Child A (Male, DOB [REDACTED]) and Child B (Female, DOB [REDACTED]) through [REDACTED]. The other two minor children were in school and not receiving CDC benefits. (Exhibit A; Exhibit B)
4. The eligibility summary shows a CDC group size of one for the period of [REDACTED], to [REDACTED] and a CDC group size of zero for [REDACTED], ongoing. (Exhibit B, pp. 5-6)
5. On an unverified date, Petitioner's CDC case closed.
6. On [REDACTED], Petitioner 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 the present case, Petitioner requested a hearing to dispute the Department's actions with respect to her CDC benefits. At the hearing, Petitioner raised three concerns: (i) her request to have Child C (Female, DOB [REDACTED]) removed from her CDC case as the child was no longer in her home; (ii) the improper removal of Child A from her CDC case; and (iii) the closure of her CDC case without proper notice. (Exhibit B; Exhibit C; Exhibit D). Petitioner confirmed that as of the hearing date, Child C had been removed from her case and that the issue had been resolved. Petitioner maintained that Child A was improperly removed from her CDC case in August 2015 and that as of September 2015, she did not receive any CDC benefits, as her case was closed.

At the hearing, the Department explained that because Petitioner adopted the children and obtained new social security numbers and changed the children's names, that the Department was required to issue new ID numbers for each child and close out the prior cases and case numbers. The Department stated that in order for the children to be added back to Petitioner's CDC case, the old and new ID numbers/cases needed to be merged together. The Department did not identify which Department policy was used to support the testimony provided or actions taken. The Department testified that despite requesting assistance from a supervisor, the issue still had not been resolved as of both scheduled hearing dates. The Department remained unable to clearly explain and articulate why Petitioner's CDC case had to close and the children removed as group members simply because they were formally adopted by Petitioner. Thus, the Department failed to establish that it properly processed Petitioner's CDC benefits and closed her CDC case.

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 did not act in accordance with Department policy when it removed Child A as a CDC group member and subsequently closed Petitioner's CDC case.

DECISION AND ORDER

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

THE DEPARTMENT IS ORDERED TO BEGIN DOING THE FOLLOWING, IN ACCORDANCE WITH DEPARTMENT POLICY AND CONSISTENT WITH THIS HEARING DECISION, WITHIN 10 DAYS OF THE DATE OF MAILING OF THIS DECISION AND ORDER:

1. Reinstate Petitioner's CDC case effective [REDACTED], including Child A and Child B as eligible CDC group members;
2. Issue supplements to Petitioner and her CDC provider for CDC benefits on behalf of Child A and Child B from [REDACTED], ongoing; and

3. Notify Petitioner of its decision in writing.



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

Date Signed: **12/30/2015**

Date Mailed: **12/30/2015**

ZB / hw

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:

