

**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.: 15-018157
Issue No.: 6001
Agency Case No.: [REDACTED]
Hearing Date: December 07, 2015
County: Wayne (19) Inkster

ADMINISTRATIVE LAW JUDGE: Lynn M. Ferris

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 December 7, 2015, from Detroit, Michigan. The Petitioner was represented by the Petitioner. The Department of Health and Human Services (Department) was represented by [REDACTED], Hearing Facilitator.

ISSUE

Did the Department properly deny the Petitioner's Applications for Child Development and Care (CDC) program 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. The Petitioner completed a redetermination on June 26, 2015. The redetermination notes that Petitioner advised the Department that she works as a paraprofessional for a school, and the last day of work was June 16, 2015, and will resume September 1, 2015. Exhibit F.
2. The Petitioner applied for CDC on July 16, 2015, and the application did not indicate that the Petitioner was working. Exhibit A.
3. The Petitioner applied for CDC on September 3, 2015. The Petitioner indicated on the application that she was working. The Petitioner submitted paystubs for July 2015 with the application. Exhibit B.

4. The Petitioner was approved for CDC through July 11, 2015, and then denied CDC from July 12, 2015, through August 22, 2015. Exhibit C.
5. The Department issued a Notice of Case Action on August 13, 2015, denying the Petitioner's CDC application as of July 12, 2015, based upon no need for CDC services due to employment. Exhibit D.
6. The Petitioner was mailed a Verification Checklist (VCL) on June 26, 2015, requesting proof of earned income with a due date of July 6, 2015. Exhibit E.
7. The Petitioner provided two paystubs for December 2014 with her redetermination.
8. The Petitioner requested a timely hearing on September 23, 2015, protesting the Department's actions.

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 received a completed redetermination form from the Petitioner advising the Department that she was not working as of June 16, 2015. Exhibit F. The Petitioner provided the Department paystubs with the redetermination from December 2014. Thereafter, the Department issued a Notice of Case Action on August 12, 2015, denying the Petitioner's CDC ongoing based upon the redetermination information stating the Petitioner was not working; and thus, the Petitioner had no CDC need. Exhibit D. The Petitioner reapplied for CDC on July 16, 2015, and did not indicate that she was working. The Petitioner indicated that she reapplied because she was working, but accidentally did not complete the application correctly. The Petitioner's application was denied based the application did not show a need for CDC benefits as she did not indicate that she was employed.

On September 3, 2015, the Petitioner applied for CDC benefits and advised the Department that she was working and provided paystubs to the Department for July 2015. The Department approved the Petitioner for CDC effective August 23, 2015,

through September 5, 2015; and Petitioner's CDC case was active and ongoing as of the hearing. Exhibit C.

In order to be eligible for CDC Department policy requires:

At application or redetermination, eligibility for CDC services exists when the department has established **all** of the following:

- There is a signed application and a request for 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 (October 1, 2015) p. 1.

In this case the Petitioner's eligibility was based upon need based upon employment. See BEM 703, p.11.

The Department initially ended the Petitioner's CDC benefits after redetermination when she advised the Department that she was not working. The July 2015 application was denied because Petitioner advised the Department that she was not working. Thereafter, the Petitioner was found eligible for CDC after she reapplied September 3, 2015, and provided paystubs for July 2015. In order to receive CDC, the Department must receive proof of employment as outlined above. Employment can be verified as follows:

Tools to Verify Need Based on Employment/Self Employment

Use one of the following as tools to verify the **need** for CDC based on **employment**:

- A copy of a work schedule indicating the number of hours worked.
- Pay stubs indicating number of work hours.
- **DHS-38**, Verification of Employment, completed by the employer.

- TALX/Work Number and MIS (Management Information System).
- **DHS-3569**, Agricultural Worker Income Verification, completed by the employer.
- **Signed statement** by the employer that contains:
 - Employment begin date.
 - Number of hours the client works.

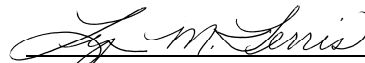
For income-eligible clients, dates and amounts of client's paychecks for the requested period. BEM 703, p. 11.

Unfortunately, based upon the proofs provided at the hearing and the fact that the Petitioner did not indicate that she was employed in her July 16, 2015, application, the Department correctly denied the application. In addition, the Department only received July 2015 paystubs with the Petitioner's September 3, 2015, application. The Department had no basis based upon the application, which failed to report employment, to determine that the Petitioner had a CDC need as required by Department policy.

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 Petitioners July 16, 2015, 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 Mailed: **12/30/2015**

LMF/jaf

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:

