



RICK SNYDER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
MICHIGAN ADMINISTRATIVE HEARING SYSTEM
Christopher Seppanen
Executive Director

MIKE ZIMMER
DIRECTOR

[REDACTED]

Date Mailed: April 8, 2016
MAHS Docket No.: 15-024270
Agency No.: [REDACTED]
Petitioner: [REDACTED]

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 April 7, 2016, from Detroit, Michigan. The Petitioner was represented by himself. The Petitioner's Authorized Hearing Representative (AHR), [REDACTED] was given Notice of Hearing but did not appear. The Petitioner agreed to proceed with the hearing without the AHR. The Department of Health and Human Services (Department) was represented by [REDACTED], Assistance Payments Worker, and [REDACTED], Family Independence Manager.

ISSUE

Did the Department properly close the Petitioner's Child Development and Care (CDC) case?

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 was an ongoing recipient of CDC benefits.
2. The Department sought a verification and certification of the CDC provider on October 15, 2015, with the due date of October 26, 2015. The Department did not provide the Verification Checklist (VCL) that was admitted as Exhibit 1 at the hearing prior to the issuance of this Hearing Decision.

3. The Petitioner completed the requested verification, which was received by the Department prior to the due date.
4. The Department closed the Petitioner's CDC case by Notice of Case Action, date unknown, effective November 1, 2015.
5. The Petitioner requested a timely hearing on December 12, 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 closed the Petitioner's CDC case mistakenly for failure to submit verification regarding his CDC provider. At the hearing, the Department testified that a VCL dated October 15, 2015, was sent to Petitioner to update his CDC provider information with an October 26, 2015, due date. The Department conceded at the hearing that the requested verification was received by the Department on October 22, 2016, and was complete and timely when received. BAM 130 (April 1, 2016). Based upon the evidence presented, the Department should not have closed the Petitioner's CDC case in November 2015 for failure to complete the verification in a timely matter. It is noted that two exhibits were admitted at the hearing and were to be provided by the undersigned but were not received prior to the issuance of this Hearing Decision.

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 closed the Petitioner's CDC case for failure to provide a timely verification.

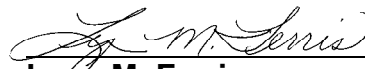
DECISION AND ORDER

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. The Department shall reinstate the Petitioner's CDC case for November 2015.
2. The Department shall supplement the Petitioner for CDC benefits if any the Petitioner is otherwise entitled to receive if any in accordance with Department policy.
3. The Department shall provide the Petitioner written notice of its actions and determination.

LMF/jaf



Lynn M. Ferris
Administrative Law Judge
for Nick Lyon, Director
Department of Health and Human Services

NOTICE OF APPEAL: A party may appeal this Order in circuit court within 30 days of the receipt date. A copy of the circuit court appeal must be filed with the Michigan Administrative Hearing System (MAHS).

A party may request a rehearing or reconsideration of this Order if the request is received by MAHS within 30 days of the date the Order was issued. The party requesting a rehearing or reconsideration must provide the specific reasons for the request. MAHS will not review any response to a request for rehearing/reconsideration.

A written request may be mailed or faxed to MAHS. If submitted by fax, the written request must be faxed to (517) 335-6088; 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

DHHS

[REDACTED]

Authorized Hearing Rep.

[REDACTED]

Petitioner

[REDACTED]

cc:

[REDACTED]