



RICK SNYDER
GOVERNOR

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

MIKE ZIMMER
DIRECTOR

[REDACTED]
[REDACTED]
[REDACTED]

Date Mailed: April 22, 2016
MAHS Docket No.: 15-022694
Agency No.: [REDACTED]
[REDACTED]

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 March 28, 2016, from Detroit, Michigan. The Petitioner appeared for the hearing and represented himself. The Department of Health and Human Services (Department) was represented by [REDACTED] Hearings Facilitator.

ISSUE

Did the Department properly process Petitioner'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 or around October 2, 2015, two foster children were placed in Petitioner's care.
2. On October 31, 2015, Petitioner completed an electronic application for CDC benefits on behalf of the two foster children. (Exhibit A)
3. On November 24, 2015, the Department sent Petitioner a Notice of Case Action informing him that the CDC application was approved for the period beginning November 1, 2015. (Exhibit B)

4. On December 3, 2015, Petitioner requested a hearing disputing the Department's actions with respect to the CDC application, specifically, the begin date of the CDC benefit period. (Exhibit 1)

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.

Additionally, an assistance application (DHS 1171) or a CDC application (DHS 4583) may be used to apply for CDC benefits. BAM 110 (July 2015), pp.1, 3-4. The standard of promptness begins the date the Department receives an application and the Department is to certify program approval or denial of the application within 45 days. BAM 115 (October 2015), p. 15. If an application is filed electronically after the close of business (such as weekends, holidays, or after 5 p.m. on business days), the date of application is the following day. BAM 110, p. 5.

For CDC benefits, the eligibility effective date 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. An exception is available for foster care only and provides that CDC benefits may be authorized 21 days prior to the CDC application receipt date. BAM 115, p. 26.

In this case, the Department stated that although the CDC application was submitted on Saturday, October 31, 2015, the date the application was registered as being received was on November 2, 2015. (Exhibit A). The Department stated that the application timely was processed and Petitioner was approved for CDC benefits with an effective date of November 1, 2015. The Department sent Petitioner a Notice of Case Action advising of the approval on November 24, 2015. (Exhibit B). At the hearing, Petitioner stated that he began taking the foster children to the child care provider on October 8, 2015. Petitioner further stated that he began completing the assistance application on October 8, 2015, but did not have the foster children's complete information such as

social security numbers. Petitioner testified that the Department and foster care failed to provide him with the needed information, which delayed his completion of the CDC application until October 31, 2015. Petitioner maintained that he should be supplemented for CDC benefits for the period of October 8, 2015, to November 1, 2015.

The Department confirmed that the children in Petitioner's care were foster children and a review of the application indicates that Petitioner reported their relationship status as foster children. Therefore, based on the above referenced policy, because Petitioner is a foster parent, the Department should have authorized his CDC benefits effective 21 days prior to the CDC application receipt date, rather than effective November 1, 2015.

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 processed Petitioner's CDC application.

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. Issue supplements to Petitioner and his CDC provider for CDC benefits on behalf of the foster children that he was entitled to receive but did not from 21 days prior to the application receipt date, ongoing; and
2. Notify Petitioner of its decision in writing.



Zainab Baydoun

Administrative Law Judge

for Nick Lyon, Director

Department of Health and Human Services

ZB/tlf

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

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