



RICK SNYDER
GOVERNOR

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

SHELLY EDGERTON
DIRECTOR

[REDACTED]
[REDACTED]
[REDACTED]

Date Mailed: June 10, 2016
MAHS Docket No.: 16-005696
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Zainab A. 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 June 6, 2016, from Detroit, Michigan. The Petitioner appeared for the hearing and represented herself. The Department of Health and Human Services (Department) was represented by [REDACTED], Eligibility Specialist and [REDACTED], Hearings Facilitator.

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 an ongoing recipient of CDC benefits.
2. Petitioner's CDC case improperly closed effective October 1, 2015.
3. On an unverified date, the Department reinstated Petitioner's CDC case effective October 1, 2015, and approved her for ongoing CDC benefits.
4. For an unexplained technical reason, Petitioner's CDC provider was unable to bill for services or be paid for CDC services for the periods of: October 4, 2015, to

October 17, 2015; October 18, 2015, to October 31, 2015; December 13, 2015, to December 26, 2015; and December 27, 2015, to January 9, 2016.

5. The Department conceded that Petitioner was eligible for and should have received CDC benefits from October 1, 2015, ongoing.
6. On April 22, 2016, 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 this case, the Department testified that Petitioner was an ongoing recipient of CDC benefits and that her case was improperly closed effective October 1, 2015. The Department testified that Petitioner's CDC case was reinstated and that she was approved for CDC benefits effective October 1, 2015, ongoing. Although the Department stated that Petitioner received a notice advising her of the approval for CDC benefits effective October 1, 2015, the notice was not presented for review at the hearing. The Department testified that for an unexplained reason and due to a technical issue with the Bridges system, Petitioner's CDC provider has been unable to bill for pay periods of service in October 2015 and December 2015. The Department acknowledged that Petitioner was eligible for CDC benefits for the time periods at issue, that Petitioner was approved for CDC benefits from October 1, 2015, ongoing, and that her provider should have been able to bill for and receive payment for the October 4, 2015, to October 17, 2015; October 18, 2015, to October 31, 2015; December 13, 2015, to December 26, 2015; and December 27, 2015, to January 9, 2016, pay periods. The Department stated that Help Desk Tickets have previously been issued to address the CDC provider billing problems, however, as of the hearing date, the issue had not been resolved.

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 benefits.

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 October 1, 2015;
2. Allow Petitioner's CDC provider to bill for CDC services provided on Petitioner's behalf for pay periods of: October 4, 2015, to October 17, 2015; October 18, 2015, to October 31, 2015; December 13, 2015, to December 26, 2015; and December 27, 2015, to January 9, 2016;
3. Issue supplements to Petitioner and her CDC provider for CDC benefits Petitioner was entitled to receive for pay periods of: October 4, 2015, to October 17, 2015; October 18, 2015, to October 31, 2015; December 13, 2015, to December 26, 2015; and December 27, 2015, to January 9, 2016, in accordance with Department policy; and
4. Notify Petitioner in writing of its decision.

ZB/tlf



Zainab A. Baydoun

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

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