



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: December 29, 2016
MAHS Docket No.: 16-015988
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Christian Gardocki

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, an in-person hearing was held on [REDACTED], from [REDACTED] Michigan. Petitioner appeared and was represented by [REDACTED] of [REDACTED]. The Michigan Department of Health and Human Services (MDHHS) was represented by [REDACTED], hearing facilitator.

ISSUE

The issue is whether MDHHS properly denied Petitioner's application for Child Development and Care (CDC) due to excess income.

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 [REDACTED], Petitioner applied for CDC benefits.
2. On [REDACTED], Petitioner requested a hearing to dispute the failure of MDHHS to process the CDC application.
3. On [REDACTED], MDHHS processed Petitioner's CDC application.

CONCLUSIONS OF LAW

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. MDHHS 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. MDHHS policies are contained in the Bridges Administrative Manual (BAM), Bridges Eligibility Manual (BEM), and Reference Tables Manual (RFT).

Petitioner requested a hearing concerning a CDC application. A sub-dispute concerned the date of Petitioner's application.

Petitioner's hearing request specifically cited an application date of [REDACTED]. The MDHHS case summary indicated an application date of [REDACTED]. It was not disputed that Petitioner submitted the application electronically. Petitioner was given an opportunity to check her telephone to verify her electronic case file; Petitioner testified she was unable to do so. MDHHS checked Petitioner's electronic case file and credibly testified Petitioner's application was submitted on [REDACTED]. MDHHS stated Petitioner's application was registered for the following date because the application was submitted after business hours. MDHHS' testimony was compliant with the policies of BAM 110. It is found Petitioner's dispute concerns a CDC application dated [REDACTED].

Petitioner requested a hearing to dispute an alleged failure by MDHHS to timely process Petitioner's application. As it happened, MDHHS resolved Petitioner's dispute.

MDHHS presented a Notice of Case Action (Exhibit 1, pp. 1-4) dated [REDACTED]. The notice informed Petitioner that her CDC application was approved for [REDACTED] CDC hours from [REDACTED], through [REDACTED], and denied for pay periods thereafter.

Petitioner and her AHR wanted to dispute the denial of CDC pay periods following [REDACTED]. Petitioner is not entitled to an administrative remedy which was not the basis of her request. Petitioner requested a hearing about an application not being processed. Petitioner's dispute was resolved once the application was processed. Petitioner can still request a hearing to dispute the application denial, however, that specific dispute was not the subject of the hearing request at hand. Petitioner's hearing request will be dismissed due to MDHHS' resolution of Petitioner's dispute.

DECISION AND ORDER

The administrative law judge, based upon the above findings of fact and conclusions of law, finds that MDHHS resolved Petitioner's hearing request by processing Petitioner's application dated [REDACTED]. Petitioner's hearing request is **DISMISSED**.

CG/hw



Christian Gardocki
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]
[REDACTED]
[REDACTED]

Petitioner

[REDACTED]
[REDACTED]
[REDACTED]

Authorized Hearing Rep.

[REDACTED]
[REDACTED]
[REDACTED]