



RICK SNYDER  
GOVERNOR

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

SHELLY EDGERTON  
DIRECTOR



Date Mailed: February 10, 2017  
MAHS Docket No.: 16-018977  
Agency No.: [REDACTED]  
Petitioner: [REDACTED]

**ADMINISTRATIVE LAW JUDGE:** Darryl Johnson

### **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 February 2, 2017, from Lansing, Michigan. The Petitioner appeared on her own behalf. The Department of Health and Human Services (Department) was represented by Hearings Facilitator [REDACTED] [REDACTED]

### **ISSUE**

Did the Department properly deny Petitioner's application for Child Development and Care (CDC)?

### **FINDINGS OF FACT**

The Administrative Law Judge, based on the competent, material, and substantial evidence on the whole record, finds as material fact:

1. In September 2016, Petitioner inquired of the Department about receiving CDC and was incorrectly told that she could not apply for those benefits until her daycare provider was licensed.
2. Petitioner's mother was previously licensed as a daycare provider by the Department, and she applied to have her license reinstated by the Department in September 2016.
3. Petitioner began having her mother watch her children on September 17, 2016.

4. The mother's license was approved on November 21, 2016, retroactively to September 2016.
5. Petitioner applied for CDC on November 25, 2016.
6. During a call to the Department on December 6, 2016, Petitioner inquired about retroactive CDC and was informed that the Department does not provide retroactive CDC; it is only available as of the date of the application.
7. On December 19, 2016, the Department received Petitioner's hearing request, protesting the verbal denial of CDC back to September 17, 2016.

### **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, Petitioner spoke with the Department in September about receiving CDC for her children while she worked and attended school. Her mother had previously been licensed as a daycare provider, but the license needed to be renewed/reinstated. Petitioner was told that she could not apply for CDC until she had an approved provider.

BAM 110 (1/1/17) p. 1 permits an applicant to request CDC in person, by mail, telephone, email, or online. The Department is responsible for providing the applicant with the correct form, which is an MDE-4583 for CDC. When the application has been processed, the Department will send an approval, denial, or pend, and in the case of CDC will send a Provider Notice to the applicant's CDC provider when the provider has been authorized to provide care. BAM 110, p. 23. When a person applies in person for CDC, the Department is to give the client the MDE-4583, a DHS-4025 (Child Care Provider Verification), and "Explain that the application receipt date will affect the effective date of eligibility for CDC and encourage the requestor to file the application that day." BAM 110, p. 2-3.

The Department has some programs, such as MA, that can provide retroactive benefits. CDC is not one of those programs. CDC is not effective until the application is received.

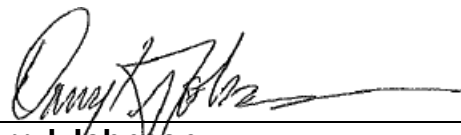
The Department acknowledged that Petitioner was given incorrect information. If this were a court of equitable powers perhaps some relief could be given. Unfortunately for the Petitioner and her mother, this is an administrative tribunal which is only delegated specific powers, among which equitable relief is not granted. The policy must be adhered to, and because the policy does not allow any retroactive CDC benefits, none can be granted.

### **DECISION AND ORDER**

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 provided Petitioner with CDC benefits as of the date of her application.

Accordingly, the Department's decision is **AFFIRMED**.

DJ/mc



---

**Darryl Johnson**  
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]

**Petitioner**

[REDACTED]