



RICK SNYDER
GOVERNOR

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

SHELLY EDGERTON
DIRECTOR

[REDACTED]

Date Mailed: [REDACTED] April 14, 2017
MAHS Docket No.: 17-002382
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Vicki Armstrong

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 [REDACTED], from [REDACTED], Michigan. Petitioner personally appeared and testified. Petitioner submitted 20 exhibits prior to the hearing.

The Department of Health and Human Services (Department) was represented by Eligibility Specialist, [REDACTED], and Family Independence Manager, [REDACTED]. [REDACTED], and [REDACTED] testified on behalf of the Department. The Department submitted 63 exhibits. The record was closed at the conclusion of the hearing.

ISSUE

1. Did the Department properly determine Petitioner's Child Development and Care (CDC) benefits?
2. Did the Department properly determine Petitioner's Food Assistance Program (FAP) 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 [REDACTED], the Department issued Petitioner a Notice of Potential Child Development and Care (CDC) Closure. [Petitioner's Exh. 2].

2. On [REDACTED], Petitioner applied for FAP and CDC. [Dept. Exh. 5-23].
3. On [REDACTED], the Department issued a Child Development and Care (CDC) Statement of Payments to [REDACTED]. The Notice showed the [REDACTED] was not paid for [REDACTED] hours she billed from [REDACTED], through [REDACTED], under Case number [REDACTED]. [Petitioner's Exh. 8].
4. On [REDACTED], the Department issued a Notice of Case Action to Petitioner indicating he had been approved for CDC from [REDACTED], through [REDACTED]. The Notice also indicated that Petitioner had been approved for FAP from [REDACTED], through [REDACTED], at \$ [REDACTED] a month. [Dept. Exh. 24-29].
5. On [REDACTED], Petitioner submitted a Request for Hearing concerning the CDC and FAP programs and Admin Orders. [Dept. Exh. 3].
6. Petitioner credibly testified, and the Department agreed, that Petitioner submitted his proof of loss of employment to the Department in [REDACTED].
7. [REDACTED] credibly testified that once the Department received the proof of loss of employment in [REDACTED], Petitioner's FAP benefit was recalculated without his employment income, and Petitioner's FAP allotment increased from \$ [REDACTED] to \$ [REDACTED]. [REDACTED] explained that because it was a change in benefits, the change begins the following month.
8. On [REDACTED], the Department issued a Child Development and Care (CDC) Statement of Payments to [REDACTED]. The Statement indicated that she was paid for her hours from [REDACTED], through [REDACTED], Case Number [REDACTED]. The Statement also showed she was not paid for her [REDACTED] billed hours from [REDACTED], through [REDACTED]. [Petitioner's Exh. 7].
9. The Department did not clearly explain who the other case number was for, or why Petitioner appeared to have two different case numbers. The Department did state that Petitioner always had CDC coverage.
10. On [REDACTED], the Department issued Petitioner a Notice of Case Action indicating his FAP allotment had been increased to \$ [REDACTED] a month beginning [REDACTED], through [REDACTED]. [Dept. Exh. 32-37].
11. Petitioner agreed he no longer had an issue with his FAP benefits once he heard the Department's explanation.
12. On [REDACTED], the Department printed a Bridges screen entitled CDC – Notice Reasons, which showed Petitioner had been denied CDC benefits from [REDACTED], to [REDACTED], because he was eligible for the program on another case. [Dept. Exh. 42].

13. Petitioner presented the last two pages of a Decision dated [REDACTED], docket [REDACTED]. Because [REDACTED] days had elapsed prior to the Department receiving Petitioner's [REDACTED], Request for Hearing, that issue/appeal regarding the Orders contained in Decision [REDACTED] is not properly before this tribunal and will not be addressed.

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 contends that CDC was not paid from [REDACTED] through [REDACTED]. The Department was unable to explain why except to say that the provider needed to rebill. There were also two different case numbers in this case covering Petitioner's CDC benefits. The Department did not explain why Petitioner had CDC benefits under two separate case numbers.

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, finds that the Department failed to satisfy its burden of showing that it acted in accordance with Department policy when it failed to pay CDC benefits to Petitioner from [REDACTED] through [REDACTED], although the Department indicated that Petitioner had CDC coverage for those dates.

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. Redetermine Petitioner's CDC benefits for the closed period of [REDACTED], through [REDACTED].

2. Issue a Notice of Case Action indicating the result of the Redetermination to Petitioner.
3. If appropriate, issue retroactive CDC benefits in accord with this Decision.

MB/bb



Vicki Armstrong
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]