



RICK SNYDER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
MICHIGAN ADMINISTRATIVE HEARING SYSTEM

SHELLY EDGERTON
DIRECTOR



Date Mailed: March 8, 2018
MAHS Docket No.: 18-000561
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Jacquelyn A. McClinton

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; 42 CFR 438.400 to 438.424; 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 1, 2018, from Detroit, Michigan. The Petitioner was represented by Petitioner. The Department of Health and Human Services (Department) was represented by [REDACTED], Family Independence Manager and [REDACTED], Eligibility Specialist.

ISSUE

Did the Department properly approve Petitioner for Child Development and Care (CDC) benefits effective November 26, 2017 instead of two weeks prior to that date?

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 is a recipient of CDC benefits.
2. On November 10, 2017, Petitioner notified the Department that she would begin work soon and inquired as to what steps she needed to take to obtain child care.
3. On November 13, 2017, the Department instructed Petitioner to complete a daycare application.
4. Petitioner did not submit the application for CDC benefits until November 30, 2017.

5. On December 6, 2017, the Department sent Petitioner a Notice of Case Action which notified Petitioner that she had been approved for CDC benefits effective November 26, 2017.
6. On January 5, 2018, Petitioner filed a Request for Hearing disputing the Department's actions.

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, at application or redetermination, eligibility for CDC services exists when the department has established **all** of the following:

- There is a signed application and a request for CDC services.
- Each child for whom CDC is requested is a member of a valid **ELIGIBILITY GROUP**.
- Each P/SP meets the **NEED** criteria as outlined in this item.
- All eligibility requirements are met. BEM 703 (October 2017), p. 1.

In this case, Petitioner is requesting payment of daycare expense for a two-week time period that predates her application for CDC benefits. In support of her request, Petitioner presented several email correspondences between herself and her assigned worker. On November 10, 2017, Petitioner informed her worker that she would begin work that following Monday. At the hearing, Petitioner argued that her assigned worker never informed her that she needed to complete an application for CDC benefits. Petitioner further stated that had she known that she was required to submit an application, she would have done so immediately.

A review of the emails reveal that there was some discussion of Petitioner's Food Assistance Program benefits. On November 20, 2017, Petitioner's assigned worker

provided Petitioner with a letter verifying that she was receiving FAP benefits. In order to receive FAP benefits, a client must submit an application. As such, Petitioner was familiar with the application process.

Further, on November 13, 2017, Petitioner's assigned worker responded to Petitioner's November 10, 2017 email stating that she would start work on Monday. In the response, Petitioner's assigned worker specifically stated that "[o]nce you submit the daycare application that will generate a form that your daycare provider will need to complete..." As such, it is found that Petitioner's assigned worker timely instructed Petitioner to complete an application for CDC benefits. Petitioner did not complete the application for CDC benefits until November 30, 2017.

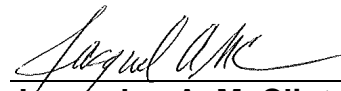
As stated in the above referenced policy, eligibility for CDC benefits exists when there is a signed application and a request for CDC services. The application was not signed until November 30, 2017. Therefore, CDC services did not exist prior to that date.

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 approved Petitioner's application for CDC benefits effective November 26, 2017.

DECISION AND ORDER

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

JAM/tlf



Jacquelyn A. McClinton

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

Via Email:



Petitioner – Via First-Class Mail:

