



RICK SNYDER
GOVERNOR

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

SHELLY EDGERTON
DIRECTOR

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Date Mailed: September 4, 2018
MAHS Docket No.: 18-007463
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; 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 August 29, 2018, from Detroit, Michigan. Petitioner appeared and was unrepresented. The Michigan Department of Health and Human Services (MDHHS) was represented by Christine Brown, hearing facilitator.

ISSUE

The issue is whether MDHHS properly terminated Petitioner's Child Development and Care (CDC) eligibility.

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 CDC recipient.
2. On June 10, 2018, Petitioner's CDC eligibility stopped.
3. On June 12, 2018, as part of an overdue redetermination of CDC eligibility, MDHHS mailed Petitioner a DHS-1171 (Assistance Application) with supplemental pages for applying for CDC. MDHHS also mailed Petitioner a Verification Checklist requesting unknown items. The due date for Petitioner to return the items was June 22, 2018.

4. On June 26, 2018, MDHHS initiated termination of Petitioner's CDC eligibility to be effective June 10, 2018.
5. On June 28, 2018, Petitioner submitted to MDHHS a Redetermination for Food Assistance Program (FAP) benefits.
6. On July 18, 2018, Petitioner requested a hearing to dispute the closure of CDC eligibility from June 10, 2018. Petitioner also requested a hearing to dispute MDHHS' alleged failure to add a person to Petitioner's household. (Exhibit A, p. 2)
7. During the hearing Petitioner withdrew her dispute concerning MDHHS' failure to add a person to her household.

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

Petitioner requested a hearing, in part, concerning MDHHS' alleged failure to add an unspecified person to her household. As CDC benefits was the only dispute checked on Petitioner's hearing request, it is presumed that MDHHS' alleged failure affected Petitioner's CDC eligibility. During the hearing, Petitioner stated that MDHHS resolved this dispute and that she did not need administrative hearing resolution. Based on Petitioner's verbal withdrawal, Petitioner's hearing request will be dismissed concerning this issue.

Petitioner also requested a hearing to dispute a termination of CDC eligibility. MDHHS presented a Notice of Case Action (Exhibit A, pp. 6-10) dated June 26, 2018. The notice stated that Petitioner failed to submit CDC proofs.

MDHHS must periodically redetermine or renew an individual's eligibility for active programs. BAM 210 (January 2018), p. 1. The redetermination process includes a thorough review of all eligibility factors. *Id.* A complete redetermination is required at least every 12 months. *Id.*, p. 3. Bridges (the MDHHS database) sets the redetermination date according to benefit periods. *Id.*

For all programs, Bridges generates a redetermination packet to the client three days prior to the negative action cut-off date in the month before the redetermination is due.

Id., p. 7. For all programs, redetermination forms may include a Redetermination DHHS-1010. *Id.*, p. 8.

For CDC, when redetermination packets are not logged by the 10th day of the redetermination month, the DHS-5322, Notice of Potential Child Development and Care (CDC) Closure, will be generated by Bridges to the client. *Id.*, p. 12. This notice informs the client that CDC benefits will end the pay period that holds the last day of the month. *Id.* If the redetermination packet is not logged in by the negative action cut-off date of the redetermination month, Bridges generates a DHS-1605, Notice of Case Action, and automatically closes the EDG. *Id.*

MDHHS testimony stated that Petitioner's CDC eligibility was overdue for a redetermination and that MDHHS manually mailed Petitioner redetermination forms on June 4, 2018. It was not disputed that Petitioner failed to return the forms by the due date which caused MDHHS to initiate termination of Petitioner's CDC eligibility on June 26, 2018. Per MDHHS testimony, Petitioner's CDC eligibility ended June 10, 2018.

If Petitioner, did not return CDC redetermination forms, Petitioner's eligibility would have ended after the CDC pay period containing June 30, 2018 (the last day of the month that MDHHS sent Petitioner notice of closure). The proper pay period affected would begin July 7, 2018. MDHHS presented no evidence supporting a closure earlier than July 7, 2018. This consideration justifies ordering MDHHS to reinstate Petitioner's CDC eligibility through July 7, 2018. A second consideration supports full reinstatement of Petitioner's CDC eligibility.

MDHHS acknowledged that Petitioner submitted all required information for CDC redetermination as of June 28, 2018. As Petitioner's submitted required documents to MDHHS after a due date, MDHHS properly initiated termination of Petitioner's CDC eligibility. Petitioner's submission was soon enough that MDHHS should have ceased the pending closure and allowed Petitioner to receive uninterrupted CDC benefits.¹

Given the evidence, MDHHS improperly terminated Petitioner's CDC eligibility. Petitioner is entitled to a remedy of reinstatement of CDC benefits from the termination date of June 10, 2018.

¹ BAM 220 requires MDHHS to give "timely notice" for CDC benefit closures. "Timely notice" requires pending benefit terminations to allow the client time to comply with the reason for the benefit closure.

DECISION AND ORDER

The administrative law judge, based upon the above findings of fact and conclusions of law, finds that Petitioner withdrew her CDC eligibility dispute concerning an alleged failure by MDHHS to add someone to Petitioner's household. Concerning this matter, Petitioner's hearing request is **DISMISSED**.

The administrative law judge, based upon the above findings of fact and conclusions of law, finds that MDHHS improperly terminated Petitioner's CDC eligibility. It is ordered that MDHHS begin to perform the following actions within 10 days of the date of mailing of this decision:

- (1) Reinstate Petitioner's CDC eligibility effective June 10, 2018, and
- (2) Initiate a supplement for any CDC benefits improperly not issued.

The actions taken by MDHHS are **REVERSED**.

CG/



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) 763-0155; 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

Randa Chenault
MDHHS-Oakland-3-Hearings

Petitioner

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