



GRETCHEN WHITMER
GOVERNOR

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

ORLENE HAWKS
DIRECTOR

[REDACTED]
[REDACTED]
[REDACTED] MI [REDACTED]

Date Mailed: March 15, 2019
MAHS Docket No.: 19-000668
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Jeffrey Kemm

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; 45 CFR 99.1 to 99.33; and Mich Admin Code, R 792.11002. After due notice, a telephone hearing was held on March 13, 2019, from Lansing, Michigan. [REDACTED] [REDACTED] Petitioner, appeared and represented herself. Amber Gibson, Hearing Facilitator, appeared with Stephanie Dunning, Hearing Facilitator (in training), on behalf of the Department. Neither party had any additional witnesses.

One exhibit was admitted into evidence during the hearing. A 43-page packet of documents provided by the Department was admitted collectively as the Department's Exhibit A.

ISSUE

Did the Department properly determine Petitioner's Child Development and Care (CDC) assistance 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 received CDC from the Department, and Petitioner's redetermination month was October.
2. On September 1, 2018, Petitioner moved. Petitioner provided a mail forwarding address to the United States Postal Service when she moved.
3. The Department was unaware Petitioner moved.

4. On September 4, 2018, the Department mailed a Redetermination to Petitioner (at her old address) to obtain information to review her eligibility for CDC.
5. Petitioner did not receive the Department's Redetermination and was unaware it was issued. Petitioner did not respond as instructed by the Department.
6. On October 10, 2018, the Department issued a Notice of Potential CDC closure to Petitioner (at her new address) to notify her that the Department had not received Petitioner's completed Redetermination yet and that failure to provide it would result in closure effective October 31, 2018.
7. On October 30, 2018, the Department issued a Notice of Case Action which notified Petitioner that CDC for her children was closed effective November 25, 2018, because Petitioner failed to return information requested.
8. On December 18, 2018, the Department received Petitioner's completed Redetermination.
9. On January 9, 2019, the Department issued a Notice of Case Action which notified Petitioner that CDC for her children was approved effective September 30, 2018.
10. After the Department issued its January 9, 2019, Notice of Case Action, the Department determined that it did so in error because Petitioner's case was closed and could not be reinstated. The Department determined that if Petitioner wanted CDC after her case closed, she had to reapply.
11. On January 15, 2019, the Department issued a Notice of Case Action which notified Petitioner that CDC for her children was closed effective January 20, 2019.
12. On January 15, 2019, Petitioner filed a hearing request to dispute the Department's decision to close her CDC.
13. Petitioner subsequently applied for CDC and received a denial because she no longer had a need for CDC since she was unemployed.

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.

The Department is required to periodically redetermine a client's eligibility for CDC assistance. BAM 210 (January 1, 2019), p. 1. When a redetermination is issued to a client, the Department must give the client at least 10 days from the date of the request to provide the information requested. BAM 210, p. 16. If the client does not return her completed redetermination by the due date, then the Department must send a verification checklist and give the client 10 days to provide requested information. BAM 210, p. 17. If the client does not respond to the verification checklist, the Department must give the client two 10-day extensions and resend a new verification checklist at each extension. BAM 210, p. 17. When the Department does not receive the information requested for Redetermination by the 10th day of the redetermination month, the Department must send a notice of potential CDC closure. BAM 210, p. 12-13. If the information requested for redetermination is not received by the cut-off date in the notice of potential CDC closure, then the Department issues a Notice to notify the client that her CDC is closed. BAM 210, p. 13.

Here, the Department acted in accordance with its policies when it closed Petitioner's CDC. Petitioner's CDC redetermination month was October. The Department issued a Redetermination on [REDACTED] 2018, to obtain information from Petitioner to review her eligibility for CDC assistance. Petitioner did not provide her completed redetermination as requested, so the Department issued a notice of potential CDC closure on the 10th day of her redetermination month. Petitioner did not provide her completed redetermination by the cut-off date in the notice of potential CDC closure, so the Department issued a notice of case action to notify her that her CDC closed.

Petitioner asserted at the hearing that she did not receive the [REDACTED] 2018, Redetermination and that is why she did not respond. Petitioner may not have received the [REDACTED] 2018, Redetermination when it was issued because it was mailed to Petitioner's old address. However, it was Petitioner's responsibility to report any changes in her address to the Department. Even if Petitioner did not receive the initial [REDACTED] 2018, Redetermination, she should have received one of the subsequent verification checklists or the notice of potential CDC closure. The notice of potential CDC closure was mailed to Petitioner at her current address at the time.

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 did act in accordance with its policies and the applicable law when it issued its January 15, 2019, Notice of Case Action which closed Petitioner's CDC effective January 20, 2019.

IT IS ORDERED the Department's decision is AFFIRMED.

JK/nr



Jeffrey Kemm
Administrative Law Judge
for Robert Gordon, 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

Amber Gibson
5303 South Cedar
PO BOX 30088
Lansing, MI
48911

Ingham County DHHS- via electronic mail

BSC2- via electronic mail

L. Brewer-Walraven- via electronic mail

Petitioner

[REDACTED]
[REDACTED]
[REDACTED] MI
[REDACTED]