



GRETCHEN WHITMER  
GOVERNOR

STATE OF MICHIGAN  
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS  
MICHIGAN OFFICE OF ADMINISTRATIVE HEARINGS AND RULES

ORLENE HAWKS  
DIRECTOR

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

Date Mailed: June 3, 2019  
MOAHR Docket No.: 19-004152  
Agency No.: [REDACTED]  
Petitioner: [REDACTED]

**ADMINISTRATIVE LAW JUDGE:** Vicki L. 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; 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 May 30, 2019, from Lansing, Michigan. Petitioner personally appeared and testified.

The Department of Health and Human Services (Department) was represented by Hearing Facilitator, Aundrea Jones. Ms. Jones testified on behalf of the department. The department submitted 16 exhibits. The record was closed at the conclusion of the hearing.

**ISSUE**

Did the Department properly deny Petitioner's application for Child Development Care (CDC) 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. The Petitioner applied for CDC benefits on [REDACTED] 2018. [Dept. Exh. 1].
2. On September 4, 2018, the department denied the Petitioner's application for CDC benefits for failure to provide verification of a licensed professional counselor. [Dept. Exh. 6].
3. The Petitioner reapplied for CDC benefits on [REDACTED] 2018. [Dept. Exh. 8].

4. On November 21, 2018, the department denied the Petitioner's CDC application. [Dept. Exh. 12].
5. On [REDACTED] 2019, the Petitioner reapplied for CDC. [Dept. Exh. 13].
6. On February 1, 2019, the department denied the Petitioner's CDC application for failure to provide verification. [Dept. Exh. 16].
7. During the hearing in the above captioned case, Hearing Facilitator Jones reviewed the hearing packet and found that the original verification requested as a result of the Petitioner's August 6, 2018 CDC application satisfied the verification requirements for the Petitioner's application, and the August 6, 2018 CDC application and subsequent re-applications had been denied in error based on BEM 703 and the Child Development and Care (CDC) Proof of Family Preservation Need signed by an approved Clinical Supervisor. [Testimony of [REDACTED] [REDACTED] May 30, 2019; see Exhibit 1, pp 9-10].

### **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, the department erred in denying the Petitioner's original CDC application dated [REDACTED] 2018, and the resulting re-applications for CDC because the Petitioner did submit the Child Development and Care (CDC) Proof of Family Preservation Need signed by an approved Clinical Supervisor for her August 2018 application.

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 failed to satisfy its burden of showing that it acted in accordance with Department policy when it denied the Petitioner's [REDACTED] 2018; [REDACTED], 2018; and [REDACTED], 2019 CDC applications.

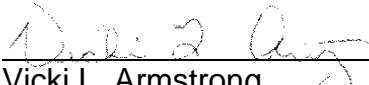
**DECISION AND ORDER**

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 the Petitioner's CDC benefits back to the original application date of [REDACTED] 2018.
2. Issue a Notice of Case Action with the results of the redetermination.
3. Assist the Petitioner with any and all CDC benefits she may otherwise be eligible for.

VLA/nr

  
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Vicki L. Armstrong  
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 Office of Administrative Hearings and Rules (MOAHR).

A party may request a rehearing or reconsideration of this Order if the request is received by MOAHR 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. MOAHR will not review any response to a request for rehearing/reconsideration.

A written request may be mailed or faxed to MOAHR. If submitted by fax, the written request must be faxed to (517) 763-0155; Attention: MOAHR 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**

Jeanenne Broadnax  
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Wayne 18 County DHHS- via electronic  
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**Petitioner**

[REDACTED]  
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