



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 7, 2019  
MOAHR Docket No.: 19-004719  
Agency No.: [REDACTED]  
Petitioner: [REDACTED] [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 June 5, 2019, from Lansing, Michigan. Petitioner, [REDACTED] [REDACTED] appeared and represented herself. Eligibility Hearing Specialist, Tracie Old, appeared for the Department of Health and Human Services (Department). Neither party had any additional witnesses.

One exhibit was admitted into evidence during the hearing. A 24-page packet of documents provided by the Department was admitted collectively as the Department's Exhibit A.

### **ISSUE**

Did the Department properly terminate Petitioner's Child Development and Care (CDC) assistance?

### **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 a CDC recipient.
2. On [REDACTED] [REDACTED] 2019, Petitioner completed a redetermination to renew her assistance, including CDC.
3. On April 4, 2019, the Department mailed a verification checklist to Petitioner with instructions to provide the Department with work schedules for her and her spouse by April 15, 2019.

4. On April 19, 2019, the Department terminated Petitioner's CDC due to failure to provide requested verification.
5. On May 1, 2019, Petitioner filed a hearing request to dispute the Department's decision.
6. On May 10, 2019, the Department extended Petitioner's verification due date to May 20, 2019, because it determined that it had erroneously terminated her CDC without giving her an extension first.
7. On May 11, 2019, Petitioner provided the requested verification.

### **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 uses a verification checklist to inform clients what verification is needed and when it is due. BEM 702 (October 1, 2018), p. 1. Clients are responsible for providing requested verification. *Id.* If redetermination verifications are not returned or are returned incomplete, the Department must send a verification checklist. *Id.* Clients are allowed a full 10 calendar days from the date of the verification request to provide the requested information. *Id.* If verifications are not returned as requested, the Department must give the clients at least two 10-day extensions and send new verification checklists after each extension. *Id.*

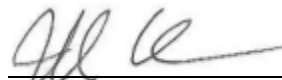
Here, the Department sent Petitioner a verification checklist to obtain additional information at redetermination. Petitioner did not provide the verification as requested in the verification checklist, so the Department terminated Petitioner's CDC. The Department did not give Petitioner at least two 10-day extensions as required by BEM 702 before it terminated her CDC. Since the Department did not give Petitioner the extensions required by policy, the Department's termination was not in accordance with its policies.

**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 not act in accordance with its policies and the applicable law when it terminated Petitioner's CDC assistance effective May 12, 2019.

IT IS ORDERED that the Department's decision is REVERSED. The Department shall begin to implement this decision within 10 days.

JK/nr



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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 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 Office of Administrative Hearings and Rules  
Reconsideration/Rehearing Request  
P.O. Box 30639  
Lansing, Michigan 48909-8139

**DHHS**

Denise Croff  
301 E. Louis Glick Hwy.  
Jackson, MI  
49201

Jackson County DHHS- via electronic mail

BSC4- via electronic mail

L. Brewer-Walraven- via electronic mail

**Petitioner**

[REDACTED]  
[REDACTED] MI  
[REDACTED]