



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]

Date Mailed: March 9, 2020  
MOAHR Docket No.: 20-000541  
Agency No.: [REDACTED]  
Petitioner: [REDACTED]

**ADMINISTRATIVE LAW JUDGE: John Markey**

**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 4, 2020 from Detroit, Michigan. Petitioner appeared and represented herself. The Department of Health and Human Services (Department) was represented by Aundrea Jones, Hearings Facilitator. During the hearing, an 11-page packet of documents was offered and admitted into evidence as Exhibit A, pp. 1-11.

**ISSUE**

Did the Department properly close Petitioner's Child Development and Care (CDC) benefits case, effective November 10, 2020?

**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 recipient of CDC benefits from the Department.
2. On July 4, 2019, the Department issued to Petitioner at her address of record a Redetermination form to gather relevant information regarding Petitioner's ongoing eligibility for CDC benefits. Petitioner was directed to complete the form and return it to the Department by August 5, 2019 in order to avoid potential case closure. Exhibit A, pp. 1-8.
3. Petitioner did not return the completed Redetermination by August 5, 2019.

4. In August 2019, Petitioner relocated and updated her address with the Department to the address on [REDACTED].
5. In late [REDACTED] 2019, Petitioner submitted to the Department an application for other benefits.
6. In early September 2019, Petitioner participated in a telephone interview with a Department worker. During that interview, Petitioner was asked what other benefits she receives from the Department. Petitioner told the worker that she received CDC benefits. Shortly thereafter, the Department worker told Petitioner that her CDC case was due to close.
7. On October 10, 2019, the Department issued to Petitioner at her updated address on Winifred a Notice of Potential Child Development and Care (CDC) Closure. The document informed Petitioner that her CDC case was due to close as a result of Petitioner's failure to return the Redetermination. Petitioner was directed to turn in the form or contact the Department with any questions. Exhibit A, p. 9.
8. On October 18, 2019, the Department issued to Petitioner a Notice of Case Action informing Petitioner that her CDC case would be closing, effective November 10, 2019, as a result of Petitioner's failure to timely return the Redetermination form. Exhibit A, pp. 10-11.
9. In [REDACTED] 2019, Petitioner reapplied for CDC benefits.
10. On [REDACTED], 2020, Petitioner submitted to the Department a request for hearing objecting to the Department's closure of her CDC case.

### **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, Petitioner objects to the Department's closure of her CDC benefits case, effective November 10, 2019. The Department's position is that it was compelled to

close Petitioner's case due to Petitioner's failure to timely return a completed Redetermination packet that was necessary to determine whether Petitioner was eligible for ongoing benefits.

Periodically, the Department must redetermine or renew a client's eligibility for Department-issued benefits by the end of each benefit period. BAM 210 (October 2019), pp. 1, 4. The redetermination process includes thorough review of all eligibility factors. BAM 210, p. 1. If a redetermination is not completed and a new benefit period certified, benefits stop at the end of the benefit period. BAM 210, p. 13. To initiate the redetermination process, the Department issues to clients a redetermination form; that form must be completed and returned to the Department in a timely manner. BAM 210, p. 1. If the Department does not receive that form by the negative action cut-off date of the redetermination month, the Department closes the case at the end of the benefit period. BAM 210, p. 13.

The Redetermination form at issue was sent on July 4, 2019 and due by August 5, 2019. Petitioner did not turn it in. In early September 2019, a Department worker told Petitioner that her CDC case was going to close during an interview. On October 10, 2019, Petitioner was mailed a notice informing her that her CDC case would be closing if she did not turn the forms in. On October 18, 2019, the Department issued to Petitioner a Notice of Case Action informing Petitioner that her case was closing on November 10, 2019 due to her failure to return the documentation. Despite the repeated requests and warnings, Petitioner responded by doing nothing to secure her continuing eligibility in the months she had to act. The benefit period was allowed to expire without Petitioner having made an effort to complete the Redetermination process. Thus, the Department properly closed the CDC case at the end of the benefit period.

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 closed Petitioner's CDC benefits case, effective November 10, 2019.

### **DECISION AND ORDER**

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

JM/tm



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**John Markey**  
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**

Sharnita Grant  
25637 Ecorse Rd.  
Taylor, MI  
48180

**Petitioner**

[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

cc: CDC: L. Brewer-Walraven  
AP Specialist-Wayne County