



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: December 18, 2020
MOAHR Docket No.: 20-006170
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Janice Spodarek

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 conference hearing was held on November 19, 2020.

Petitioner appeared unrepresented.

The Department of Health and Human Services (Department) was represented by Melissa Johnstone, FIM.

The Department's Exhibit A.45 was offered and admitted into evidence.

ISSUE

Did the Department properly close Petitioner's Child Day Care (CDC) case?

FINDINGS OF FACT

The Administrative Law Judge, based on the competent, material, and substantial evidence on the whole record, finds as material fact:

1. At all relevant times, Petitioner has had a CDC case with the Michigan Department of Health and Human Services (MDHHS or Department).
2. On August 4, 2020, the Department mailed a CDC Redetermination form to Petitioner with an August 24, 2020, due date.
3. Petitioner was repeatedly unable to upload verifications to the Bridges system and reported the issue. The Department opened up a ticket with case [REDACTED].

4. On September 30, 2020, the local office closed Petitioner's CDC case effective October 1, 2020.
5. On September 24, 2020, Petitioner appealed the closure.

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.

Applicable CDC policy, including verification policy and procedure is found primarily in BEM 110, 165, 210 and 211; BAM 105, 130 and 210.

Individuals who are asserting eligibility for welfare benefits have the burden of proof by a preponderance of evidence.

In this case, Petitioner argues that she did not fail to follow Department policy under BEM and BAM, as she was unable to upload her verifications repeatedly, and filed a ticket with the Department. At the administrative hearing, despite Petitioner's identifying the ticket number in her hearing request, the Department failed to take such into account and proceeded with the closure. However, at the administrative hearing, based on the evidence of record, the Department agreed to reopen Petitioner's case, retro to October 1, 2020.

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 Department policy when it closed Petitioner's CDC case effective October 1, 2020.

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. Reinstate Petitioner's CDC case back to the September 30, 2020 date of closure, if not already done, and
2. Issue any supplemental benefits to Petitioner to which she may be entitled, if not already done.

IT IS SO ORDERED.

JS/ml



Janice Spodarek
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

Tamara Little
Jackson County DHHS – via electronic
mail

BSC4 – via electronic mail

L. Brewer-Walraven – via electronic mail

Petitioner

██████████ – via first class mail
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