



STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
LANSING

GRETCHEN WHITMER
GOVERNOR

ORLENE HAWKS
DIRECTOR

[REDACTED]
[REDACTED], MI [REDACTED]

Date Mailed: April 1, 2019
MAHS Docket No.: 18-014026
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Kevin Scully

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; 45 CFR 99.1 to 99.33; and 45 CFR 205.10. After due notice, telephone hearing was held on March 6, 2019, from Lansing, Michigan. Petitioner was represented by herself. The Department was represented by Richelle Hall and Sylvester Williams.

ISSUE

Did the Department of Health and Human Services (Department) properly determine Petitioner's eligibility for Child Development and 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. On September 6, 2018, the Department notified Petitioner that she is eligible for Child Development and Care (CDC) benefits. Exhibit A, pp 16-17.
2. On September 6, 2018, the Department sent Petitioner a Child Development and Care (CDC) Provider Assignment Request (DHS-3503-P), instructing her that her provider will not receive payments before that form was returned. Exhibit A, p 12.
3. On September 6, 2018, the Department notified Petitioner that her provider would no longer receive Child Development and Care (CDC) payments. Exhibit A, pp 18-19.

4. Child care licensing documents indicate that Petitioner is a director of the child care provider where Respondent had requested Child Development and Care (CDC) benefits. Exhibit A, pp 7-11.
5. On December 28, 2018, the Department received Petitioner's request for a hearing regarding Child Development and Care (CDC). Exhibit A, p 2.

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.

Clients must cooperate with the local office in determining initial and ongoing eligibility and this includes the completion of necessary forms. Department of Human Services Bridges Assistance Manual (BAM) 105 (January 1, 2018), p 8.

Verification means documentation or other evidence to establish the accuracy of the client's verbal or written statements. Verification is usually required at application/redetermination and for a reported change affecting eligibility or benefit level when it is required by policy, required as a local office option, or information regarding an eligibility factor is unclear, inconsistent, incomplete, or contradictory. The Department uses documents, collateral contacts, or home calls to verify information. A collateral contact is a direct contact with a person, organization, or agency to verify information from the client. When documentation is not available, or clarification is needed, collateral contact may be necessary. Department of Human Services Bridges Assistance Manual (BAM) 130 (April 1, 2017), pp 1-10.

The Department will use the DHS-4025 Child Development and Care Provider Verification form to verify the child in care, the date care began, where care is provided, and the provider's relationship to the child. Department of Health and Human Services Bridges Eligibility Manual (BEM) 702 (October 1, 2018), p 2.

On September 6, 2018, the Department notified Petitioner that she is eligible for CDC benefits but requested that she return the verification forms that were provided before the provider would be able to continue to bill for CDC benefits. The Department notified

Petitioner that the provider would not longer be able to bill for child care until the required verification documents were provided.

The Department did not receive an updated child care provider verification form. Petitioner's child care provider may not bill for child care until the verification forms are returned, but may not be eligible to receive CDC benefits based on Petitioner's relationship with the child care provider.

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 determined Petitioner's eligibility for Child Development and Care (CDC) benefits but refused to allow the provider to bill for child care without providing the requested verification forms.

DECISION AND ORDER

Accordingly, the Department's decision is AFFIRMED.

KS/dh



Kevin Scully
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

Linda Gooden
25620 W. 8 Mile Rd
Southfield, MI 48033

Oakland County (District 3), DHHS

BSC4 via electronic mail

L. Brewer-Walraven via electronic mail

Petitioner

[REDACTED]
[REDACTED], MI [REDACTED]