



GRETCHEN WHITMER
GOVERNOR

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

ORLENE HAWKS
DIRECTOR

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██████████, MI ██████████

Date Mailed: February 11, 2020
MOAHR Docket No.: 20-000196
Agency No.: ██████████
Petitioner: ██████ ██████

ADMINISTRATIVE LAW JUDGE: Aaron McClintic

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 February 5, 2020, from Lansing, Michigan. The Petitioner was represented by herself. The Department of Health and Human Services (Department) was represented by LaShona Callen, AP Supervisor. Department Exhibit 1, pp. 1-57 was received and admitted.

ISSUE

Did the Department properly deny Petitioner's Child Development and Care (CDC) application due to no valid need reason and Food Assistance Program (FAP) application for failing to verify employment income?

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 ██████████ ██████ 2019, Petitioner applied for FAP and CDC benefits.
2. On December 19, 2019, Notice of Case Action was sent to Petitioner informing her that her FAP and CDC applications were denied. (Ex. 1, pp. 6-7)
3. On January 4, 2020, Petitioner requested hearing disputing the denial of her CDC and FAP applications.
4. Petitioner provided copies of checks Petitioner's husband received from Michigan Russian and Eastern European Cultural Center for work he did at the center.

5. Petitioner provided employment verifications forms to the Michigan Russian and Eastern European Cultural Center, but they refused to complete the forms. (Ex. 1, p.49)
6. Petitioner was on maternity leave when she applied for CDC benefits on [REDACTED] 2019.

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 Food Assistance Program (FAP) [formerly known as the Food Stamp program] is established by the Food and Nutrition Act of 2008, as amended, 7 USC 2011 to 2036a and is implemented by the federal regulations contained in 7 CFR 273. The Department (formerly known as the Department of Human Services) administers FAP pursuant to MCL 400.10, the Social Welfare Act, MCL 400.1-.119b, and Mich Admin Code, R 400.3001-.3011.

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.

NEED

There are four valid CDC need reasons listed below. Each P/SP of the child needing care must have a valid need reason when child care is requested. Each need reason must be verified.

1. Family preservation.
2. High school completion.
3. An approved activity.
4. Employment.

Note: A P/SP may be considered as unavailable and excluded from providing the care if a court order mandates that he/she not be alone with the child or if he/she is the person being investigated for the neglect or abuse of any child in a confirmed open children's protective services case.

However, in no instance is information to be shared with the client regarding the family member's status on the central registry. If the only P/SP in the home is considered unavailable due to this reason, the availability of the applicant/client must be considered in determining need.

Note: In two-parent households, both parents' need reasons must be verified at application and redetermination with the appropriate verification. BEM 703

Send a negative action notice when:

- The client indicates refusal to provide a verification, **or**
- The time period given has elapsed and the client has **not** made a reasonable effort to provide it. BAM 130

The client must obtain required verification, but the local office must assist if they need and request help.

If neither the client nor the local office can obtain verification despite a reasonable effort, use the best available information. BAM 130

In this case, with regard to CDC benefits, Petitioner acknowledged that she was on maternity leave when she applied for CDC benefits on [REDACTED] 2019. Therefore, Petitioner had no valid need reason for CDC, and it was proper and correct to deny her application on that basis.

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 denied Petitioner's CDC application for no valid need reason and FAP application for failing to verify employment income. BEM 703

With regard to FAP benefits, Petitioner provided checks from her husband's employment to the Department. (Ex. 1, p. 49) Petitioner submitted verification of employment forms to her husband's employer but they refused to complete the forms. The Department provided no proof that a verification checklist was issued to Petitioner after she provided checks from her husband's employment. The undersigned Administrative Law Judge cannot find that Petitioner refused to provide verifications or failed to make a reasonable effort to obtain verifications. Therefore, the Department's closure for failing to return verifications was improper and incorrect. BAM 130, 7 CFR 273.12

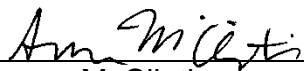
DECISION AND ORDER

Accordingly, the Department's decision is **AFFIRMED IN PART** with respect to CDC and **REVERSED IN PART** with respect to FAP.

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 FAP application going back to the date of application.
2. Issue a supplement for all FAP benefits Petitioner is found eligible for.

AM/nr



Aaron McClintic
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

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

Oakland 3 County DHHS- via electronic
mail

BSC4- via electronic mail

M. Holden- via electronic mail

D. Sweeney- via electronic mail

L. Brewer-Walraven- via electronic mail

Petitioner

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