



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 23, 2020
MOAHR Docket No.: 20-001633
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Carmen G. Fahie

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 May 27, 2020, from Lansing, Michigan. The Petitioner was represented by herself. The Department of Health and Human Services (Department) was represented by Amber Gibson, Hearing Facilitator.

ISSUE

Did the Department properly determine Petitioner's benefits for Child Development and Care (CDC) and Medical Assistance (MA)?

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 [REDACTED] 2020, Petitioner applied for CDC and MA. Department Exhibit 1, pgs. 4-12.
2. On January 7, 2020, the Department Caseworker sent Petitioner a Verification Checklist, DHS-3503 that was due on January 17, 2020, for the Department to verify program eligibility. Department Exhibit 1, pgs. 13-14.
3. Petitioner submitted verifications of income through a screen shot of her bank statement. Department Exhibit 1, pgs.15-16.
4. On February 3, 2020, the Department Caseworker sent Petitioner a Notice of Case Action, DHS-1605, that her CDC was denied due to failure to verify income, need

for CDC, and eligible provider care arrangement. Department Exhibit 1, pgs. 17-20.

5. On February 10, 2020, the Department received a hearing request from Petitioner, contesting the Department's negative action.

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 Medical Assistance (MA) program is established by Title XIX of the Social Security Act, 42 USC 1396-1396w-5; 42 USC 1315; the Affordable Care Act of 2010, the collective term for the Patient Protection and Affordable Care Act, Pub. L. No. 111-148, as amended by the Health Care and Education Reconciliation Act of 2010, Pub. L. No. 111-152; and 42 CFR 430.10-.25. The Department (formerly known as the Department of Human Services) administers the MA program pursuant to 42 CFR 435, MCL 400.10, and MCL 400.105-.112k.

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 applied for CDC and MA on [REDACTED], 2020. Department Exhibit 1, pgs. 4-12. On January 7, 2020, the Department Caseworker sent Petitioner a Verification Checklist, DHS-3503 that was due on January 17, 2020 for the Department to verify program eligibility. Department Exhibit 1, pgs. 13-14. Petitioner submitted verifications of income through a screen shot of her bank statement. Department Exhibit 1, pgs.15-16. On February 3, 2020, the Department Caseworker sent Petitioner a Notice of Case Action, DHS-1605, that her CDC was denied due to failure to verify income, need for CDC, and eligible provider care arrangement. Department Exhibit 1, pgs. 17-20. On February 10, 2020, the Department received a hearing request from Petitioner, contesting the Department's negative action.

During the hearing, the Hearing Facilitator stated that Petitioner provided a screen shot of her bank statement, which was insufficient verification of income. As a result, her CDC application was denied because the Department could not verify CDC eligibility. Petitioner's MA case was opened per the hearing summary. She is entitled to reapply for CDC benefits. BAM 130 and 220. BEM 500, 501, 702, and 710.

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 acted in accordance with Department policy when it denied Petitioner's CDC application for failure to verify income, employment hours, and CDC provider, but her MA case was opened.

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

CF/hb



Carmen G. Fahie
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

Ingham County via electronic mail

BSC2 via electronic mail

D. Smith via electronic mail

EQADHS via electronic mail

L. Brewer-Walraven via electronic mail

Petitioner

[REDACTED]
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MI [REDACTED]