



GRETCHEN WHITMER
GOVERNOR

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

ORLENE HAWKS
DIRECTOR



Date Mailed: September 26, 2022
MOAHR Docket No.: 22-003572
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 September 14, 2022, from Lansing, Michigan. The Petitioner was represented by herself. The Department of Health and Human Services (Department) was represented by April Sprague, Hearing Facilitator.

ISSUE

Did the Department properly deny the Petitioner's application for the Child Day Care (CDC) program?

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] 2022, the Petitioner filed an application for CDC benefits. Department Exhibit 1, pgs. 8-16.
2. On June 21, 2022, the Department Caseworker sent the Petitioner an Appointment Notice, MDHHS 170, for a telephone interview on June 29, 2022, between 8:00 to 10:00 a.m. Department Exhibit 1, pg. 17.
3. On June 29, 2022, the Department Caseworker sent the Petitioner a Missed Appointment Notice, DHS 254, for a missed telephone interview on June 29, 2022, between 8:00 to 10:00 a.m. and the Petitioner was responsible to reschedule the required interview by July 21, 2022. Department Exhibit 1, pgs. 35-36.
4. On July 13, 2022, the Department Caseworker sent the Petitioner a Notice of Case Action, DHS 1605, that her CDC application was denied due to the Petitioner's

failure to verify or allow the Department to verify information required to determine CDC eligibility. Department Exhibit 1, pgs. 41-42.

5. On August 12, 2022, the Department received a hearing request from the 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 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, the Petitioner filed an application for CDC benefits on [REDACTED] 2022. Department Exhibit 1, pgs. 8-16. On June 21, 2022, the Department Caseworker sent the Petitioner an Appointment Notice, MDHHS 170, for a telephone interview on June 29, 2022, between 8:00 to 10:00 a.m. Department Exhibit 1, pg. 17.

On June 29, 2022, the Department Caseworker sent the Petitioner a Missed Appointment Notice, DHS 254, for a missed telephone interview on June 29, 2022, between 8:00 to 10:00 a.m. and the Petitioner was responsible to reschedule the required interview by July 21, 2022. Department Exhibit 1, pgs. 35-36. On July 13, 2022, the Department Caseworker sent the Petitioner a Notice of Case Action, DHS 1605, that her CDC application was denied due to the Petitioner's failure to verify or allow the Department to verify information required to determine CDC eligibility. Department Exhibit 1, pgs. 41-42. BAM 105, 110, 115, 130, 220, 600, 800, 801, and 802. BEM 205, 500, 501, 702, and 703.

During the hearing, the Hearing Facilitator stated that the Petitioner failed to complete the required telephone interview required for CDC eligibility. A review of the case notes did not document a contact from the Petitioner attempting to reschedule the interview by the timeliness deadline. As a result, her CDC application was properly denied. She did reapply for CDC benefits with an application received by the Department on August 26, 2022, that is currently being processed.

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 determined that the Petitioner was not eligible for CDC benefits because she failed to complete the required telephone interview by the timeliness deadline.

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

CF/cc



Carmen G. Fahie
Administrative Law Judge

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

Via-Electronic Mail :

Interested Parties

MDHHS-Genesee-UnionSt-Hearings
BSC2-HearingDecisions
L. Brewer-Walraven
MOAHR

Via-First Class Mail :

Petitioner

[REDACTED]
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