



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: December 12, 2002
MOAHR Docket No.: 22-005118
Agency No.: ██████████
Petitioner: ██████████

ADMINISTRATIVE LAW JUDGE: Ellen McLemore

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 December 8, 2022, from Detroit, Michigan. Petitioner was present and represented herself. The Department of Health and Human Services (Department) was represented by Valarie Foley, Hearing Facilitator.

ISSUE

Did the Department properly close Petitioner's Child Development and Care (CDC) benefit 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. Petitioner was an ongoing CDC benefit recipient.
2. On July 5, 2022, the Department sent Petitioner a redetermination packet related to her CDC benefit case (Exhibit A, pp. 5-11).
3. On August 19, 2022, the Department sent Petitioner a Notice of Case Action informing her that her CDC benefit case was closing effective September 11, 2022, for her failure to return the redetermination (Exhibit A, pp. 12-15).
4. On ██████████, 2022, Petitioner submitted a request for hearing disputing the Department's actions.

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, Petitioner was an ongoing CDC recipient. On July 5, 2022, the Department sent Petitioner a redetermination packet, with a due date of July 25, 2022. On August 19, 2022, the Department sent Petitioner a Notice of Case Action, informing Petitioner that her CDC benefit case was closing, as she failed to return the redetermination packet.

The Department must periodically redetermine or renew an individual's eligibility for active programs. BAM 210 (April 2022), p. 1. Redetermination, renewal, semi-annual and mid-certification forms are often used to redetermine eligibility of active programs. BAM 210, p. 1. A complete redetermination/renewal is required at least every 12 months. BAM 210, p. 1. For CDC cases, when the redetermination packet is not returned by the 10th day of the redetermination month, the Department sends a DHS-5322, Notice of Potential CDC Closure to the client. BAM 210, p. 13. The notice informs the client that CDC benefits will end the pay period that holds the last day of the month.

If the redetermination is not returned by the negative action cut-off date, the Department issues a Notice of Case Action and closes the CDC benefit case. BAM 210, p. 13. The Department must assist clients who ask for help in completing forms, gathering verifications, and/or understanding written correspondence sent from the Department. BAM 210, p. 1 and BAM 105 (October 2016), p. 15.

Petitioner testified that she received notification that her CDC case may potentially close. Petitioner stated that when she logged into her MI Bridges account, she received an alert to disregard any closure notices, due to an error in the system. Petitioner testified that she contacted her worker to discuss the closure notice. Petitioner stated she was advised by her worker that there was nothing due at that time and to disregard the notification.

Petitioner gave credible testimony that she requested assistance from her worker in understanding documentation that she received, and that she was notified to disregard the information. The Department did not provide a witness with firsthand knowledge of Petitioner's case to dispute her testimony. Per policy, the Department must assist clients when they request help understanding the Department's documents. The Department provided Petitioner with incorrect information, resulting in her benefit closure. Therefore, the Department did not act in accordance with policy when it closed Petitioner's CDC benefit case.

DECISION AND ORDER

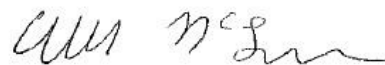
The Administrative Law Judge, based on the above Findings of Fact and Conclusions of Law, and for the reasons stated on the record, if any, finds that the Department did not act in accordance with Department policy when it closed Petitioner's CDC benefit case.

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. Redetermine Petitioner's CDC benefit eligibility as of September 11, 2022, ongoing;
2. If Petitioner is eligible for CDC benefits, issue supplements in accordance with Department policy; and
3. Notify Petitioner of its decision in writing.

EM/tm



Ellen McLemore
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 :

DHHS
Susan Noel
Wayne-Inkster-DHHS
26355 Michigan Ave
Inkster, MI 48141
**MDHHS-Wayne-19-
Hearings@michigan.gov**

Interested Parties
L. Brewer-Walraven
BSC4
MOAHR

Via-First Class Mail :

Petitioner
[REDACTED]
[REDACTED]
[REDACTED], MI [REDACTED]