



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: December 21, 2022
MOAHR Docket No.: 22-005236
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Linda Jordan

HEARING DECISION

Following Petitioner's request for a hearing, this matter is before the undersigned Administrative Law Judge (ALJ) pursuant to MCL 400.9 and MCL 400.37, and 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 hearing was held on December 14, 2022 via teleconference. Petitioner appeared and represented himself. Ashley Soper, Family Independence Manager, represented the Michigan Department of Health and Human Services (MDHHS or Department).

ISSUE

Did MDHHS properly process Petitioner's Redetermination 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. Petitioner was an ongoing recipient of CDC benefits.
2. On September 7, 2022, Petitioner submitted a Redetermination through MI Bridges, MDHHS' online case management system (Exhibit A, p. 7).
3. On October 10, 2022, MDHHS sent Petitioner a Notice of Potential Child Development and Care (CDC) Closure indicating that his case would be closed, effective [REDACTED] 2022, for failing to return the redetermination materials timely (Exhibit A, p. 5).
4. On [REDACTED], 2022, Petitioner filed a Request for Hearing regarding the termination of his CDC benefits (Exhibit A, pp. 3-4).

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. MDHHS 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 requested a hearing to dispute the termination of his CDC benefits. At the hearing, MDHHS testified that the Notice of Potential Child Development and Care (CDC) Closure was sent in error and acknowledged that Petitioner submitted his Redetermination timely. MDHHS further testified that it had taken steps to correct the mistake and that Petitioner's case was open pending verification of income. The record shows that at the time of the hearing, Petitioner's CDC case was open but not active, meaning Petitioner was not receiving CDC benefits. Although MDHHS took steps to correct its mistake prior to the hearing, Petitioner established that he had the right to a hearing due to the delay in processing the September 7, 2022 Redetermination and the suspension of his benefits. See BAM 600 (March 2021), p. 5.

MDHHS is required to timely process applications for benefits, redeterminations and requests to add new members to the group (member adds). BAM 220 (April 2022), p. 1. Upon certification of eligibility results, MDHHS must notify the client in writing of positive and negative actions. *Id.*, p. 2. Regarding CDC benefits, MDHHS is also required to notify childcare providers when an authorization is added, the authorized hours have changed, the CDC case has closed and/or when the family contribution changes. *Id.*, p. 6. MDHHS is required to act on reported changes as soon as possible and within the standard of promptness. *Id.*, p. 9,

It is undisputed that Petitioner submitted his Redetermination timely. Therefore, MDHHS erred when it sent Petitioner the Notice of Potential CDC Closure and subsequently terminated his CDC benefits. It is noteworthy that MDHHS worked to correct its error and reopened Petitioner's CDC case, effective September 1, 2022 pending verification of Petitioner's household income. At the hearing, MDHHS advised Petitioner on the status of his case and how to submit the requested documents.

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 MDHHS did not act in accordance with Department policy when processing Petitioner's Redetermination.

DECISION AND ORDER

Accordingly, MDHHS' decision is **REVERSED**.

MDHHS 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. Complete the processing of Petitioner's September 7, 2022 CDC Redetermination;
2. Determine Petitioner's eligibility for CDC benefits, effective [REDACTED] 2022 ongoing;
3. Issue supplements to Petitioner and/or to Petitioner's childcare provider(s) for any benefits that Petitioner was entitled to receive but did not, from [REDACTED] 2022 ongoing; and
4. Notify Petitioner of its decision in writing.



Linda Jordan
Administrative Law Judge

LJ/tm

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
Linda Gooden
Oakland County Southfield District III
25620 W. 8 Mile Rd
Southfield, MI 48033
**MDHHS-Oakland-6303-
Hearings@michigan.gov**

Interested Parties
L. Brewer-Walraven
BSC4

Via-First Class Mail :

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