



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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Date Mailed: May 26, 2023
MOAHR Docket No.: 23-001720
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Zainab A. Baydoun

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 April 26, 2023, from Detroit, Michigan. Petitioner appeared for the hearing and represented herself. The Department of Health and Human Services (Department) was represented by Marcheline Bolden, Assistance Payments Worker, and Olivette Gordon, Family Independence Manager.

As a preliminary matter, after the closure of the hearing record, Petitioner submitted 18 pages of documents. It is noted that these documents were not presented during the hearing and not admitted into the record as evidence of exhibits on Petitioner's behalf and thus, will not be considered.

ISSUE

Did the Department properly process Petitioner's 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. Petitioner is the caretaker of four foster children placed in her home.
2. In connection with a redetermination, Petitioner's eligibility for CDC benefits was reviewed. Petitioner timely submitted a redetermination to the Department.

3. On or around March 20, 2023, the Department sent Petitioner a Notice of Case Action, advising her that effective April 9, 2023, her CDC case for all four children would be closed because she failed to return a redetermination. The Notice of Case Action also advises Petitioner that the case closure was due to the household group members not meeting program requirements. (Exhibit A, pp.4-6)
4. On or around March 25, 2023, Petitioner requested a hearing disputing the closure of her CDC case. (Exhibit A, p.3)
5. The Department discovered that Petitioner had timely returned her redetermination, but the review forms were not timely logged by the Department. The Department reinstated Petitioner's CDC case and determined that additional verifications were needed.
6. On or around March 23, 2023, the Department sent Petitioner a Verification Checklist (VCL) instructing her to submit verification of her CDC need by completing a DHS – 4575 CDC Proof of Family Preservation Need verification form and submitting it to the Department by April 3, 2023. (Exhibit A, pp.13-14)
7. On or around March 28, 2023, Petitioner returned the DHS – 4575 CDC Proof of Family Preservation Need verification form; however, the Department determined that it was incomplete and could not be accepted.
8. The Department asserted that because Petitioner failed to verify her need for CDC benefits, her case will be closed.

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 disputed the Department's processing and closure of her CDC case.

The goal of the CDC program is to support low-income families by providing access to high-quality, affordable, and accessible early learning and development opportunities

and to assist the family in achieving economic independence and self-sufficiency. The CDC program is intended to promote continuity of care and to extend the time an eligible child has access to child care assistance by providing a subsidy for child care services for qualifying families. BEM 703 (January 2023), p.1. In order to receive CDC benefits, the parent must demonstrate a valid and verified need reason. There are four valid CDC need reasons: family preservation, high school completion, an approved activity, and employment. BEM 703, p.4.

The Department representative testified, and Petitioner did not dispute, that she was previously receiving CDC benefits based on a family preservation need reason. There was no evidence that this need reason had changed at the time of the redetermination. BEM 703 provides that child care may be approved for a child whose parent is: unavailable to provide care because they are participating in a court order activity; unable to provide care because they are required to participate in the treatment activity of another member of the CDC program group, the CDC applicant, or the CDC applicant's spouse who lives in the home; unable to provide care due to a condition for which they are being treated by a physician; or unable to provide care due to an employment or educational need that is part of the child protective services/foster care services case plan. The family preservation need is based on the parent's need, not the child's need and BEM 703 outlines the allowable conditions/treatment criteria that can be considered. The DHS-4575, Child Development and Care (CDC) Proof of Family Preservation Need, must be used to document the family preservation child care need, must be completed/signed by one of the individuals identified in BEM 703, and is used to verify the reasons CDC services are needed (diagnosis of condition or explanation of activity which prevents the parent from providing the care), the activities in which the parent is expected to participate while the child is receiving CDC services, how often the parent is being treated/seen, the length of time CDC services will likely be required, the days per week and number of hours per day that child care will be needed, and the children needing care. BEM 703, pp.6-8.

At the hearing, the Department representative testified that after discovering that Petitioner had timely returned the redetermination, it reinstated her CDC case and began to process her continued eligibility for CDC benefits. The Department representative testified that it was required to verify Petitioner's continued need for CDC benefits, and as a result, sent the VCL instructing Petitioner to submit the DHS-4575, Child Development and Care (CDC) Proof of Family Preservation Need form by April 3, 2023. The Department representative testified that although Petitioner returned the form on or around March 28, 2023, upon review, the form was incomplete and could not be accepted. The Department representative asserted that several sections on the form submitted were not completed including the number of hours/days per week and length of time that the child care is needed, and the description of Petitioner's social, emotional, or health need. Additionally, the Department noted that the doctor completing the form checked the box indicating that he was not currently providing treatment for Petitioner or her family members and the question regarding whether child care is required as part of the treatment plan was left blank. (Exhibit A, pp. 11-12). The Department representative testified that Petitioner was advised that the form submitted

was incomplete and could not be accepted. Petitioner was instructed to resubmit the completed form. However, as of the hearing date, the Department asserted that Petitioner failed to submit any updated DHS-4575, Child Development and Care (CDC) Proof of Family Preservation Need.

At the hearing, Petitioner disputed the Department's testimony that she failed to complete the required DHS-4575, Child Development and Care (CDC) Proof of Family Preservation Need form. Petitioner testified that prior to his death on [REDACTED] 2023, she was responsible for taking her husband to all of his doctor appointments. She testified that she suffers from diabetes and hypertension and goes to her own doctor appointments every three months, but sometimes more often. Petitioner testified that she also has several appointments for the children including therapy and medical appointments through The Children's Center. Petitioner testified that she has a need for CDC benefits as the two older foster children receive child care on days when they do not attend school for school breaks including winter break, spring break, school outages, and semester breaks. She testified that the younger children receive child care from the provider every day from 7:00 AM to 4:30 PM, and when she has to attend appointments.

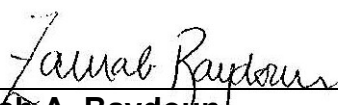
Despite Petitioner's testimony at the hearing, the evidence as presented fails to show that Petitioner had a valid and verified need reason to receive CDC benefits. The DHS-4575, Child Development and Care (CDC) Proof of Family Preservation Need form submitted is incomplete and does not contain the required information to adequately verify the need for CDC benefits. There was no evidence that an updated form was submitted to the Department prior to the hearing.

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 processed and closed Petitioner's CDC case. Petitioner is advised that she is entitled to submit a new application for CDC benefits and her eligibility will be determined.

DECISION AND ORDER

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

ZB/ml



Zainab A. Baydoun
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

Richard Latimore
Wayne-Conner-DHHS
4733 Conner
Detroit, MI 48215

MDHHS-Wayne-57-Hearings@michigan.gov

Interested Parties

BSC4
L Brewer-Walraven
MOAHR

Via First Class Mail:

Petitioner

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