



STATE OF MICHIGAN

GRETCHEN WHITMER
GOVERNOR

DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
MICHIGAN OFFICE OF ADMINISTRATIVE HEARINGS AND RULES
SUZANNE SONNEBORN
EXECUTIVE DIRECTOR

MARLON I. BROWN, DPA
ACTING DIRECTOR

[REDACTED]
[REDACTED], OH [REDACTED]

Date Mailed: October 2, 2023
MOAHR Docket No.: 23-005160
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Jeffrey Kemm

HEARING DECISION

On August 21, 2023, Petitioner, [REDACTED] requested a hearing to dispute her Child Development and Care (CDC). As a result, a hearing was scheduled to be held on September 28, 2023, pursuant to MCL 400.9 and 400.37; 45 CFR 99.1 to 99.33; and Mich Admin Code, R 792.11002. Petitioner appeared at the hearing and represented herself. Respondent, Department of Health and Human Services (Department), had Ryan Kennedy, Hearing Facilitator, appear as its representative. Neither party had any additional witnesses.

One exhibit was admitted into evidence during the hearing. A 26-page packet of documents provided by the Department was admitted collectively as the Department's Exhibit A.

ISSUE

Did the Department properly process Petitioner's CDC?

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 receiving CDC from the Department.
2. Petitioner's child care provider was able to bill for services through June 17, 2023.
3. After June 17, 2023, Petitioner did not have a valid child care provider, so the Department was unable to approve Petitioner's CDC.

4. On July 7, 2023, the Department received updated child care provider information for Petitioner's case.
5. On August 7, 2023, Petitioner contacted the Department and asked to have her assistance closed as soon as possible because she had moved to Ohio.
6. On August 10, 2023, the Department mailed a notice of case action to Petitioner to notify Petitioner that her CDC was approved 11/6/22 through 6/17/23 for her six children, that her CDC was closed 8/13/23 – ongoing for [REDACTED] and [REDACTED] and that her CDC was closed 8/27/23 – ongoing for [REDACTED] and [REDACTED].
7. Petitioner has not received CDC for June 2023 or July 2023.
8. Petitioner requested a hearing in an attempt to obtain CDC for June 2023 and July 2023.

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.

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. BEM 703 (January 1, 2023), p. 1. 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. *Id.*

Once eligibility has been determined, the child(ren) will remain eligible for the entire 12-month certification period unless the CDC EDG closes for one of the reasons listed in BAM 220. *Id.* Changes reported by a client may not affect current CDC eligibility, unless the change would be positive or the change is required as a CDC EDG closure reason. BAM 220 (July 1, 2023), p. 1-2. The CDC EDG closure reasons include a client request. *Id.* at p. 21.

In this case, Petitioner requested that her CDC close on August 7, 2023. This prompted the Department to issue a notice of case action on August 10, 2023. The Department properly closed Petitioner's CDC because Petitioner requested the CDC closure, and Petitioner moved out of state. Petitioner is disputing the Department's action because Petitioner asserted that she did not receive CDC for June 2023 and July 2023. It is unclear why Petitioner did not receive CDC for June 2023 and July 2023. Petitioner's CDC did not close until August 13, 2023, for [REDACTED] and [REDACTED] and it did not close until August 27, 2023, for [REDACTED] and [REDACTED]. Thus, Petitioner's children were still eligible for CDC for June 2023 and July 2023. It is possible that Petitioner's provider did not properly bill the Department for CDC for June 2023 and July 2023, or it is possible that the Department denied Petitioner's provider for June 2023 and July 2023.


When a CDC provider is denied or closed, the Department notifies the provider with a Notice of Child Development and Care Provider Ineligibility (DHS-198). BEM 704 (July 1, 2023), p. 8. If Petitioner's CDC provider was denied, Petitioner's provider should have received a notice. Neither child care providers nor CDC recipients are entitled to an administrative hearing based on a provider's denial or closure. *Id.* at 18. Since Petitioner's dispute involves her provider's billing or denial, Petitioner and her provider must resolve her dispute regarding CDC for June 2023 and July 2023 with the Department.

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 act in accordance with its policies and the applicable law when it closed Petitioner's Child Development and Care assistance.

IT IS ORDERED that the Department's decision is **AFFIRMED**.

JK/ml



Jeffrey Kemm
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
Vivian Worden
Macomb County DHHS Mt. Clemens Dist.
44777 Gratiot
Clinton Township, MI 48036
MDHHS-Macomb-12-Hearings@michigan.gov

Interested Parties
BSC4
L Brewer-Walraven
MOAHR

Via First Class Mail:

Petitioner
[REDACTED]
[REDACTED] OH [REDACTED]