



GRETCHEN WHITMER
GOVERNOR

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

MARLON I. BROWN, DPA
ACTING DIRECTOR

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Date Mailed: November 7, 2023
MOAHR Docket No.: 23-006012
Agency No.: ██████████
Petitioner: ██████ ██████

ADMINISTRATIVE LAW JUDGE: Kevin Scully

ORDER OF DISMISSAL
FOR LACK OF JURISDICTION

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; 45 CFR 99.1 to 99.33; and 45 CFR 205.10. After due notice, a telephone hearing was held on November 2, 2023, from Lansing, Michigan. Petitioner was represented by her husband ██████████ ██████████. The Department was represented by Desiree Mitchell and Deonna Harris.

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 April ██████ 2020, the Department sent Petitioner a Redetermination (DHS-1010) with a May 1, 2020, due date. Exhibit A, p 13.
2. On October ██████ 2020, the Department sent Petitioner a Redetermination (DHS-1010) form with a November 18, 2020, due date. Exhibit A, p 27.
3. On November ██████ 2020, the Department notified Petitioner that effective November 30, 2020, Child Development and Care (CDC) benefits would be closed. Exhibit A, p 7.
4. On January ██████ 2023, the Department notified Petitioner that Child Development and Care (CDC) benefits have been approved for the period of April 24, 2022, through February 25, 2023. Exhibit A, pp 5-6.
5. On September ██████ 2023, the Department received Petitioner’s request for a hearing. Petitioner’s unsigned request was received by the Department by e-mail states in part, “I am asking for my daughter’s daycare expenses to be covered thru 2/25/2023.” Exhibit A, p 3.

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 IV-A, IV-E, and XX of the Social Security Act, 42 USC 601 through 42 USC 619, 42 USC 670 through 42 USC 679c, and 42 USC 1397 through 42 USC 1397m-5; the Child Care and Development Block Grant of 1990, PL 101-508, 42 USC 9857 through 42 USC 9858r; and 42 USC 618 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, PL 104-193. The CDC program is implemented by 45 CFR 98.1 through 45 CFR 99.33. The Department administers the CDC program pursuant to MCL 400.10 of the Social Welfare Act, MCL 400.1 *et seq.*, and provides services to adults and children pursuant to MCL 400.14(1) and Mich Admin Code, R 400.5001 through 400.5020.

As of April █ 2020, the Department updated the CDC review due dates for March, April, and May. March, April, and May review due dates had been extended for six months instead of two months. ESA 2020-14 (Revised April 27, 2020).

On April █ 2020, the Department sent Petitioner a Redetermination (DHS-1010) form with a May 1, 2020, due date. Due to the COVID-19 public health emergency, this deadline for redetermination of Petitioner's eligibility for CDC benefits was extended as directed by ESA 2020-014, and Petitioner's CDC benefits did not close.

Child Development and Care (CDC) payments are made when all of the following are true:

- All eligibility requirements are met.
- A CDC case is open in Bridges.
- An eligible provider is assigned to the child and provides care.
- The provider successfully bills for child care.
- Payment limits have not been reached.

Department of Health and Human Services Bridges Eligibility Manual (BEM) 706 (October 1, 2023), p 1.

Neither child care providers nor CDC recipients are entitled to administrative hearings based on a provider's denial or closure but are entitled to an administrative review conducted by the Department. Department of Health and Human Services Bridges Eligibility Manual (BEM) 704 (October 1, 2023), p 18.

On January █ 2023, the Department notified Petitioner that CDC benefits had been approved through February 25, 2023. No evidence was presented on the record that this eligibility determination has changed.

Petitioner credibly testified that his child care provider has not received payment for February of 2023, and that this may have been due to the sale of the child care provider business that had not enrolled as a CDC provider, or possibly due to the adoption status of the child.

Clients have the right to contest a department decision affecting eligibility or benefit levels whenever it is believed that the decision is incorrect. The Department will provide an administrative hearing to review the decision and determine the appropriateness. The Michigan Administrative Hearing System (MAHS) may grant a hearing for any of the following:

- Denial of an application and/or supplemental payments.
- Reduction in the amount of program benefits or service.
- Suspension or termination of program benefits or service.
- Restrictions under which benefits, or services are provided.
- Delay of any action beyond standards of promptness.
- For FAP only, the current level of benefits or denial of expedited service.

Department of Human Services Bridges Administrative Manual (BAM) 600 (March 1, 2021), p 5.

The client or authorized hearing representative has 90 calendar days from the date of the written notice of case action to request a hearing. The request must be received anywhere in DHS within the 90 days. Department of Human Services Bridges Administrative Manual (BAM) 600 (March 1, 2021), pp 6-7.

Upon further review of the hearing exhibits, it appears that Petitioner's request for a hearing was not signed but was submitted by e-mail. In the absence of a signed hearing request, Petitioner has failed to establish an entitlement to an administrative hearing with respect to CDC benefits.

Further, the hearing record supports a finding that Petitioner was found to be eligible for CDC benefits, and Petitioner has failed to establish a denial of reduction of CDC benefits.

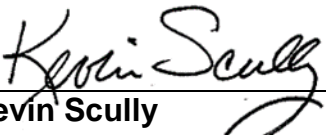
Department policy in BEM 706 instructs the Department to make CDC payments when an eligible provider has been assigned to the child. The hearing record does not support a finding that Petitioner's child care provider was an authorized CDC provider.

However, the issue of whether the provider was an authorized provider of CDC benefits does not fall within the jurisdiction of Michigan Office of Administrative Hearings and Rules (MOAHR) to grant an administrative hearing.

Petitioner's hearing request is therefore **DISMISSED** for lack of jurisdiction.

IT IS SO ORDERED.

KS/dm



Kevin Scully
Administrative Law Judge
Michigan Office of Administrative Hearings
and Rules (MOAHR)

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
Trista Waishkey
Washtenaw County DHHS
**MDHHS-Washtenaw-
Hearings@michigan.gov**

Brewer-WalravenL

BSC4HearingDecisions

MOAHR

Via-First Class Mail :

Petitioner

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