



GRETCHEN WHITMER
GOVERNOR

STATE OF MICHIGAN
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], MI [REDACTED]

Date Mailed: February 21, 2024
MOAHR Docket No.: 23-009019
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Christian Gardocki

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 hearing was held via telephone conference line on February 14, 2024. Petitioner appeared and was unrepresented. The Michigan Department of Health and Human Services (MDHHS) was represented by Valarie Foley, hearings facilitator, and Jamila Goods, specialist.

ISSUE

The issue is whether MDHHS properly determined Petitioner's Child Development and Care (CDC) eligibility.

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 [REDACTED] [REDACTED] 2023, Petitioner applied for CDC benefits.
2. On [REDACTED] [REDACTED] 2023, Petitioner submitted to MDHHS an application requesting CDC benefits.
3. On November 9, 2023, MDHHS approved Petitioner for CDC benefits beginning October 8, 2023.
4. On December 5, 2023, Petitioner applied for Family Independence Program (FIP) benefits.

5. On December 5, 2023, MDHHS denied Petitioner's FIP application for unspecified reasons.
6. On December 6, 2023, Petitioner requesting a hearing to dispute CDC eligibility from the CDC application dated May 13, 2023. Petitioner additionally disputed the denial of FIP benefits.
7. On an unspecified date, MDHHS approved Petitioner for FIP benefits beginning January 2024.
8. On February 14, 2024, Petitioner withdrew her dispute concerning FIP benefits.

CONCLUSIONS OF LAW

The Family Independence Program was established pursuant to the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, Pub. L. No. 104-193, and 42 USC 601 to 679c. MDHHS administers FIP pursuant to 45 CFR 233-260, MCL 400.10, the Social Welfare Act, MCL 400.1-.119b, and Mich Admin Code, R 400.3101-.3131. MDHHS policies are contained in the Bridges Administrative Manual (BAM), Bridges Eligibility Manual (BEM), and Reference Tables Manual (RFT).

Petitioner requested a hearing, in part, to dispute FIP eligibility. Exhibit A, pp. 3-5. A Notice of Case Action dated December 5, 2023, stated that MDHHS denied Petitioner's application due to unspecified reasons. Exhibit A, pp. 12-15. MDHHS testimony acknowledged the denial of FIP was improper. MDHHS additionally testified that Petitioner's FIP eligibility was approved beginning January 2024; Petitioner's testimony agreed that she received FIP benefits and that her dispute concerning FIP was favorably resolved. Due to Petitioner's partial hearing request withdrawal, Petitioner's dispute concerning FIP will be dismissed.

The 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 CDC program is implemented by 45 CFR 98.1-99.33. MDHHS administers the CDC 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. CDC policies are contained in the BAM, BEM, and RFT.

Petitioner also requested a hearing to dispute CDC benefits. Exhibit A, pp. 3-5. It was not disputed that Petitioner applied for CDC benefits on May 15, 2023. It was also not disputed that Petitioner submitted to MDHHS an application requesting CDC benefits on October 13, 2023. A Notice of Case Action dated November 9, 2023, stated that Petitioner was eligible for CDC benefits beginning October 8, 2023. Exhibit A, pp. 8-11. Petitioner contended that MDHHS failed to process her CDC eligibility from her application in May 2023.

For CDC, MDHHS is to certify program approval or denial within 30 calendar days from the receipt of application.¹ BAM 115 (January 2023) p. 16. The client notice is automatically generated through the MDHHS database. *Id*

When an application is pending and additional application(s) are received prior to certification of the initial application, MDHHS is to not automatically deny the application. Instead, MDHHS is to do the following:

- Review the information for impact on eligibility and benefit level.
- Ensure the case record is documented with the additional application(s) received and note the application(s) used to determine eligibility and/or benefit levels.
- Attach the additional application(s) to the initial application.

BAM 110 (October 2023) p. 8

The first day that a CDC provider may be assigned to a child is the latest of the following: the CDC application receipt date, the date that childcare began, the date the provider becomes eligible for subsidy payments, or 60 calendar days prior to the receipt of a completed DHS-4025.² BAM 115 (January 2023) p. 1. CDC payments are made when all the following are true: all eligibility requirements are met, a CDC case is open, an eligible provider is assigned to the child and provides care, the CDC provider successfully bills for childcare, and payment limits have not been reached. BEM 706 (October 2023) p. 1.

During the hearing, MDHHS testimony acknowledged that the only notice sent to Petitioner concerning CDC benefits approved Petitioner for CDC beginning October 8, 2023. MDHHS had no explanation for why Petitioner's CDC application dated [REDACTED] [REDACTED] 2023, was either unprocessed or approved for benefits several months later. Without evidence that MDHHS properly processed Petitioner's CDC application, MDHHS must be ordered to process or reprocess Petitioner's CDC application dated [REDACTED] [REDACTED] 2023.

¹ If the group is eligible for expedited CDC benefits, MDHHS has only seven days to process the application (see BAM 118 for expedited CDC requirements).

² The evidence suggested that Petitioner's CDC provider was not eligible to receive CDC payments until July 10, 2023. If so, Petitioner may only be eligible for CDC benefits during the CDC pay period including July 10, 2023.

DECISION AND ORDER

The administrative law judge, based upon the above findings of fact and conclusions of law, finds that Petitioner withdrew her dispute concerning FIP benefits. Concerning FIP benefits, Petitioner's hearing request is **DISMISSED**.

The administrative law judge, based upon the above findings of fact and conclusions of law, finds that MDHHS improperly processed Petitioner's CDC application dated [REDACTED] 2023. It is ordered that MDHHS commence the following actions within 10 days of the date of mailing of this decision:

- (1) Process or reprocess Petitioner's CDC application dated [REDACTED] [REDACTED] 2023, subject to the finding that MDHHS failed to establish it properly processed the application; and
- (2) Issue notice and supplements, if any, in accordance with policy.

The actions taken by MDHHS are **REVERSED**.

CG/nr



Christian Gardocki
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
Wayne 19 County DHHS
BSC4
B. Sanborn
L. Brewer-Walraven
MOAHR

Via-First Class Mail :

Petitioner

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