



GRETCHEN WHITMER
GOVERNOR

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

MARLON BROWN
DIRECTOR

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Date Mailed: May 16, 2024
MOAHR Docket No.: 24-002496
Agency No.: ██████████
Petitioner: █████ █████

ADMINISTRATIVE LAW JUDGE: Colleen Lack

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 16, 2024, from Lansing, Michigan. █████ █████ the Petitioner, appeared on her own behalf. The Department of Health and Human Services (Department) was represented by Araceli Diaz, Eligibility Specialist (ES), and Elizabeth Trompen, Family Independence Manager (FIM).

During the hearing proceeding, the Department’s Hearing Summary packet was admitted as Exhibit A, pp. 1-33.

ISSUE

Did the Department properly issue Child Development and Care (CDC) benefits for Petitioner’s case?

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 January █████ 2024, Petitioner applied for CDC. (Exhibit A, pp. 5-11)
2. On January █████ 2024, the Department sent a DHS-3503 CDC Provider Assignment Request and DHS-4025 CDC Provider Verification form to Petitioner. (Exhibit A, pp. 12-15)

3. The CDC Provider Assignment Request states that the care begin date will not go back more than 60 days from when the DHS-4025 CDC Provider Verification is received. (Exhibit A, p. 12)
4. On January ■ 2024, the CDC Provider Verification form was submitted, but it was not signed by Petitioner. (Exhibit A, pp. 1, 16, and 18-20)
5. On February ■ 2024, the ES called Petitioner to let her know the CDC Provider Verification form was missing her signature. An email was also sent to the CDC provider requesting that it be emailed to the ES once it is signed by Petitioner. (Exhibit A, p. 25)
6. On February ■ 2024, CDC was approved for Petitioner, however, the provider information was not entered because a completed CDC Provider Verification form was not received. (Exhibit A, pp. 1 and 17)
7. A manual Benefit Notice was issued to Petitioner approving CDC benefits. (Exhibit A, pp. 1 and 21-24)
8. On March 4, 2024, Petitioner filed a hearing request contesting the Department's determination and seeking payment for CDC. (Exhibit A, p. 4)
9. On March ■ 2024, Petitioner submitted a completed CDC Provider Verification form. (FIM Testimony)
10. The Department was only able to issue CDC benefits for 60 days prior to when the completed CDC Provider Verification form was received. (FIM Testimony)

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, on January ■ 2024, the Department sent a DHS-3503 CDC Provider Assignment Request and DHS-4025 CDC Provider Verification form to Petitioner. (Exhibit A, pp. 12-15). The CDC Provider Assignment Request states that the care begin date will

not go back more than 60 days from when the DHS-4025 CDC Provider Verification is received. (Exhibit A, p. 12).

On January ■ 2024, the CDC Provider Verification form was submitted, but it was not signed by Petitioner. (Exhibit A, pp. 1, 16, and 18-20). Accordingly, on February ■ 2024, the ES called Petitioner to let her know the CDC Provider Verification form was missing her signature. An email was also sent to the CDC provider requesting that it be emailed to the ES once it is signed by Petitioner. (Exhibit A, p. 25).

On March ■ 2024, Petitioner submitted a completed CDC Provider Verification form. Accordingly, the Department was able to go back 60 days, to January ■ 2024, for the begin date. (FIM Testimony).

Petitioner is seeking issuance of CDC benefits retroactive to December 2023 and raised issues related to a previous Department action on her prior CDC benefit case, which were addressed in a prior appeal under MOAHR Docket No. 23-009907. Petitioner noted that the Department's CDC determination was reversed in the February ■ 2024 Hearing Decision. (Petitioner Testimony). However, the Department requested a rehearing/reconsideration of that hearing decision. On April ■ 2024, an Order Granting Request for Rehearing and/or Reconsideration was issued vacating the February ■ 2024 Hearing Decision and affirming the closing of Petitioner's CDC case. See 23-009907-RECON Order Granting Request for Rehearing And/or Reconsideration. Accordingly, the closure of Petitioner's prior CDC case remains in effect and there was no ongoing CDC case that could have affected the issuance of CDC benefits for Petitioner.

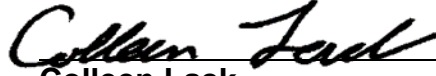
Overall, the Department's determination to issue CDC benefits as of January ■ 2024 was appropriate. The CDC Provider Assignment Request states that the care begin date will not go back more than 60 days from when the DHS-4025 CDC Provider Verification is received. (Exhibit A, p. 12). The CDC Provider Verification form submitted on January ■ 2024 was not signed by Petitioner. (Exhibit A, pp. 1, 16, and 18-20). On February ■ 2024, the ES notified Petitioner and the CDC Provider of the missing signature and requested that the CDC Provider Verification form be resubmitted with Petitioner's signature. (Exhibit A, p. 25). A CDC Provider Verification form with Petitioner's signature was not submitted until March ■ 2024. Accordingly, the Department was only able to go back 60 days, to January ■ 2024, for the begin date. (FIM Testimony).

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 issued CDC benefits for Petitioner's case.

DECISION AND ORDER

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

CL/dm



Colleen Lack
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
Kimberly Kornoelje
Kent County DHHS
MDHHS-Kent-
Hearings@michigan.gov

Brewer-WalravenL

BSC3HearingDecisions

MOAHR

Via-First Class Mail :

Petitioner

[REDACTED]
[REDACTED]
[REDACTED]