



GRETCHEN WHITMER
GOVERNOR

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

MARLON BROWN
DIRECTOR

[REDACTED]

Date Mailed: May 31, 2024
MOAHR Docket No.: 24-003769
Agency No.: [REDACTED]
Petitioner: [REDACTED]

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 May 2, 2024, from Lansing, Michigan. The Petitioner was represented by [REDACTED] Authorized Hearing Representative (AHR). [REDACTED] the Petitioner, was present. The Department of Health and Human Services (Department) was represented by Tammie Whipple, Eligibility Specialist (ES).

During the hearing proceeding, the Department's Hearing Summary packet was admitted as Exhibit A, pp. 1-65.

ISSUE

Did the Department properly determine Petitioner's eligibility for 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. On February [REDACTED] 2024, Petitioner applied for CDC. (Exhibit A, pp. 18-38)
2. On February [REDACTED] 2024, the Department called Petitioner and the voicemail greeting indicated this phone was broken and another number should be called. The Department left messages at both phone numbers. (Exhibit A, p. 54)
3. On February [REDACTED] 2024, an appointment notice was issued to Petitioner scheduling a telephone interview for February [REDACTED] 2024 at 8:00 am. (Exhibit A, p. 42)

4. On February █ 2024, a Verification Checklist was issued to Petitioner requesting verification that CDC was needed for employment as well as verification of wages with a due date of March 1, 2024. (Exhibit A, pp. 39-41)
5. On February █ 2024, the Department called Petitioner for the scheduled interview and left messages at both phone numbers. (Exhibit A, p. 54)
6. On March █ 2024, a Notice of Case Action was issued to Petitioner denying CDC benefits because the interview for CDC was never completed and indicating needed verifications were not provided. (Exhibit A, pp. 43-47)
7. On March 22, 2024, Petitioner filed a hearing request contesting the Department's determination. (Exhibit A, pp. 3-15)

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 standard of promptness requires the Department to certify program approval or denial within 30 calendar days from the receipt of application. BAM 115, January 1, 2024, p. 16.

For CDC, the Department is to conduct a telephone interview at application before approving benefits. BAM 115, January 1, 2024, p. 20.

On February █ 2024, Petitioner applied for CDC. (Exhibit A, pp. 18-38).

On February █ 2024, the Department called Petitioner and the voicemail greeting indicated this phone was broken and another number should be called. The Department left messages at both phone numbers. (Exhibit A, p. 54). On February █ 2024, an appointment notice was issued to Petitioner scheduling a telephone interview for February █ 2024 at 8:00 am. (Exhibit A, p. 42). On February █ 2024, a Verification Checklist was issued to Petitioner requesting verification that CDC was needed for

employment as well as verification of wages with a due date of March 1, 2024. (Exhibit A, pp. 39-41).

On February ■ 2024, the Department called Petitioner for the scheduled interview and left messages at both phone numbers. (Exhibit A, p. 54). A March ■ 2024 case comment indicates Petitioner had not called to reschedule the interview. (Exhibit A, p. 54). Accordingly, on March ■ 2024, a Notice of Case Action was issued to Petitioner denying CDC benefits because the interview for CDC was never completed and indicating needed verifications were not provided. (Exhibit A, pp. 43-47).

Petitioner testified that she could not answer when the ES called because she was driving. Petitioner asserted that she called the Department's call line but did not get a call back from the ES. Petitioner did not recall the date she called, it may have been the day after the ES called while she was driving. (Petitioner Testimony). Petitioner's AHR also asserted that she called the Department in March or early April and requested that the ES call her. (AHR Testimony). However, the case contact notes do not show any calls from Petitioner or her AHR between the application date and the date the Notice of Case Action was issued March 11, 2024. (Exhibit A, p. 54).

Overall, the evidence supports that the Department properly denied Petitioner's application for CDC because the required interview was not completed within the standard of promptness for processing the application.

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 determined Petitioner's eligibility for CDC benefits.

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
Renee Olian
Kalamazoo County DHHS
**MDHHS-Kalamazoo-
Hearings@michigan.gov**

Brewer-WalravenL

BSC3HearingDecisions

MOAHR

Via-First Class Mail :

Authorized Hearing Rep.

[REDACTED]
[REDACTED]
[REDACTED]

[REDACTED]
[REDACTED]
[REDACTED]
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