



GRETCHEN WHITMER
GOVERNOR

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

ORLENE HAWKS
DIRECTOR

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

Date Mailed: January 20, 2023
MOAHR Docket No.: 22-005894
Agency No.: [REDACTED]
Petitioner: [REDACTED] [REDACTED]

ADMINISTRATIVE LAW JUDGE: Kevin Scully

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; 45 CFR 99.1 to 99.33; and 45 CFR 205.10. After due notice, a telephone hearing was held on January 18, 2023, from Lansing, Michigan. Petitioner represented herself. The Department was represented by Araceli Diaz and Sara Terreros.

ISSUE

Did the Department of Health and Human Services (Department) properly close Petitioner's 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. Petitioner was an ongoing Child Development and Care (CDC) recipient when the Department received her Redetermination (DHS-1010) form. Exhibit A, pp 3-7.
2. On August 9, 2022, the Department sent Petitioner a Verification Checklist (DHS-3503) requesting verification of the activity that childcare was needed, verification of employment, and verification of income by August 19, 2022. Exhibit A, pp 8-9.
3. On August 30, 2022, the Department extended the due date for verification to September 9, 2022. Exhibit A, pp 10-11.
4. On September 6, 2022, Petitioner submitted employment records that did not contain her name or her employer. Exhibit A, pp 17-18.
5. On September 6, 2022, the Department notified Petitioner that the verification documents that she submitted were insufficient. Exhibit A, p 15.

6. On September 6, 2022, the Department extended the due date for verification to September 16, 2022, by sending her an Employment Verification Form (DHS-38). Exhibit A, pp 12-14.
7. On September 19, 2022, the Department notified Petitioner that she was no longer eligible for Child Development and Care (CDC) benefits as of September 11, 2022. Exhibit A, pp 19-25.
8. On December 7, 2022, the Department received Petitioner's request for a hearing protesting the closure of her Child Development and Care (CDC) benefits.

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.

Clients must cooperate with the local office in determining initial and ongoing eligibility and this includes the completion of necessary forms. Department of Human Services Bridges Assistance Manual (BAM) 105 (April 1, 2022), p 9.

Verification means documentation or other evidence to establish the accuracy of the client's verbal or written statements. Verification is usually required at application/redetermination and for a reported change affecting eligibility or benefit level when it is required by policy, required as a local office option, or information regarding an eligibility factor is unclear, inconsistent, incomplete, or contradictory. The Department uses documents, collateral contacts, or home calls to verify information. A collateral contact is a direct contact with a person, organization, or agency to verify information from the client. When documentation is not available, or clarification is needed, collateral contact may be necessary. Department of Human Services Bridges Assistance Manual (BAM) 130 (January 1, 2021), pp 1-10.

Petitioner was an ongoing recipient of Child Development and Care (CDC) benefits when the Department initiated a routine redetermination of her eligibility for ongoing

CDC benefits and notified her that her benefits would end if she did not submit the Redetermination form. Petitioner returned her completed Redetermination form without verification documents. On August 9, 2022, and August 30, 2022, the Department requested that Petitioner provide verification of her employment. Petitioner returned some documents, but the Department determined that these documents were insufficient because they did not identify Petitioner or her employer on the documents. On September 6, 2022, the Department notified Petitioner that the documents she had submitted were insufficient and sent her an Employment Verification Form to make it easier for her to verify her circumstances. On September 19, 2022, the Department had not received the information that was requested and notified Petitioner that she was no longer eligible for CDC benefits.

Petitioner testified that she attempted to provide the Department with the information that was requested but that her employment was ending and that the forms the Department supplied did not give a time frame of employment that was to be verified.

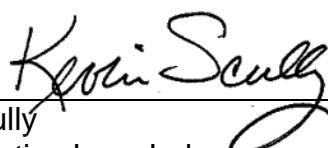
The hearing record supports a finding that the verification request forms clearly indicated that verification of employment for the last 30 days was needed. The hearing record supports a finding that Petitioner did not return the information necessary to accurately determine her eligibility for CDC benefits.

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 closed Petitioner's Child Development and Care (CDC) benefits.

DECISION AND ORDER

Accordingly, the Department's decision is AFFIRMED.

KS/nr



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
Kimberly Kornoelje
Kent County DHHS
121 Franklin SE
Grand Rapids, MI 49507
**MDHHS-Kent-
Hearings@michigan.gov**

Interested Parties
Kent County DHHS
BSC3
L. Brewer-Walraven
MOAHR

Via-First Class Mail :

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