



GRETCHEN WHITMER  
GOVERNOR

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

MARLON I. BROWN, DPA  
DIRECTOR

[REDACTED]  
[REDACTED]  
[REDACTED]

Date Mailed: March 21, 2024  
MOAHR Docket No.: 24-000388  
Agency No.: [REDACTED]  
Petitioner: [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 March 13, 2024, from Lansing, Michigan. Petitioner represented himself, and [REDACTED] testified on his behalf. The Department was represented by Quinton Zamarripa.

**ISSUE**

Did the Department of Health and Human Services (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 July [REDACTED] 2023, the Department received Petitioner's application for Child Development and Care (CDC) benefits. Exhibit A, p 17.
2. On August [REDACTED] 2023, the Department notified Petitioner that he was not eligible for Child Development and Care (CDC) benefits. Exhibit A, p 39.
3. On October [REDACTED] 2023, the Department received Petitioner's application for Child Development and Care (CDC) benefits. Exhibit A, p 42.
4. On November [REDACTED] 2023, the Department notified Petitioner that he was not eligible for Child Development and Care (CDC) benefits. Exhibit A, p 54.
5. On December [REDACTED] 2023, the Department received Petitioner's application for Child Development and Care (CDC) benefits. Exhibit A, p 57.

6. On December █ 2023, the Department notified Petitioner that he was eligible for Child Development and Care (CDC) benefits effective December 17, 2023. Exhibit A, p 72.
7. On January 10, 2024, the Department received Petitioner's request for a hearing protesting the denial of Child Development and Care (CDC) benefits before December 17, 2023. Exhibit A, pp 5-7.

### **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 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  
(February 1, 2024), 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 (February 1, 2024), pp 6-7.

On August █ 2023, the Department notified Petitioner that he was not eligible for the CDC benefits that he had requested as guardian of a foster child. The Department concedes that this eligibility determination was not made in accordance with policy.

However, Petitioner's request for a hearing is untimely with respect to denial of CDC benefits where the denial notice was mailed on August 15, 2023. Therefore, Michigan Office of Administrative Hearings and Rules (MOAHR) has no jurisdiction to issue a decision with respect to the August █ 2023, denial of Petitioner's July █ 2023, application for CDC benefits.

On October █ 2023, Petitioner reapplied for CDC benefits for a foster child. On November █ 2023, the Department notified Petitioner that his application had been denied. The Department concedes that this application was improperly denied. Petitioner's January 10, 2024, request for a hearing is timely with respect to the November █ 2023, mailing of this denial of 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 did not act in accordance with Department policy when it denied Petitioner's application for Child Development and Care (CDC) benefits.

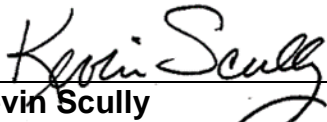
**DECISION AND ORDER**

Accordingly, the Department's decision is REVERSED.

THE DEPARTMENT IS ORDERED TO BEGIN DOING THE FOLLOWING, IN ACCORDANCE WITH DEPARTMENT POLICY AND CONSISTENT WITH THIS HEARING DECISION, WITHIN 10 DAYS OF THE DATE OF MAILING OF THIS DECISION AND ORDER:

1. Reregister Petitioner's October █ 2023, application for assistance and initiate a determination of the Petitioner's eligibility for Child Development and Care (CDC) benefits.
2. Provide the Petitioner with written notice describing the Department's revised eligibility determination.
3. Issue the Petitioner any retroactive benefits he may be eligible to receive, if any.

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

**Brewer-WalravenL**

**BSC3HearingDecisions**

**MOAHR**

**Via-First Class Mail :**

**Petitioner**

[REDACTED]  
[REDACTED]  
[REDACTED]