



GRETCHEN WHITMER  
GOVERNOR

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

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DIRECTOR

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Date Mailed: October 1, 2024  
MOAHR Docket No.: 24-008801  
Agency No.: ██████████  
Petitioner: ██████████

**ADMINISTRATIVE LAW JUDGE: Linda Jordan**

### **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 on September 4, 2024, via teleconference. Petitioner appeared and represented herself. Amy Kelly, Eligibility Specialist, and Theresa Ware, Family Independence Manager, appeared on behalf of the Michigan Department of Health and Human Services (MDHHS or Department). MDHHS' Hearing Packet was admitted at the hearing as MDHHS Exhibit A, pp. 1-22.

### **ISSUE**

Did MDHHS 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 ██████████ 2024, Petitioner applied for CDC benefits.
2. On May 15, 2024, MDHHS mailed Petitioner a Verification Checklist (VCL) requesting verification of CDC need for employment and income. The deadline for the verifications was May 28, 2024.
3. On June 7, 2024, MDHHS denied Petitioner's May 9, 2024 CDC application.
4. On June 11, 2024, MDHHS received check stubs from Petitioner.
5. On ██████████ 2024, Petitioner applied for CDC benefits (Exhibit A, p. 5).

6. On June 18, 2024, MDHHS completed a telephone interview with Petitioner and sent a Verification Checklist (VCL) requesting CDC need for employment and income (Exhibit A, p. 2).
7. On June 25, 2024, MDHHS approved Petitioner for CDC benefits (Exhibit A, p. 2).
8. On July 8, 2024, Petitioner requested a hearing regarding 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 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. MDHHS 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, MDHHS approved Petitioner's ██████████, 2024 application for CDC benefits. Petitioner clarified at the hearing that she submitted the request for hearing regarding the denial of the ██████████ 2024 application. MDHHS testified that it denied the previous CDC application because Petitioner did not submit proof of employment by the deadline.

MDHHS is required to obtain verification when required by policy and when information regarding an eligibility factor is unclear, inconsistent, incomplete or contradictory. BAM 130 (March 2024), p. 1. To obtain verifications, MDHHS must tell the client what verification is needed, how to obtain it and the due date. *Id.*, p. 3. The client must obtain the required verification, but the local office must assist if they need help. *Id.* If neither the client nor the local office can obtain verification despite reasonable effort, MDHHS is required to use the best available information. *Id.* Verifications are considered timely if received by the date they are due. *Id.*, p. 7. For CDC, if the client cannot provide the verification despite reasonable effort, MDHHS must extend the time limit at least once. *Id.* MDHHS sends a negative action notice if the client refuses to provide the verification or the time period for returning the verification has lapsed and the client has not made a reasonable effort to provide it. *Id.*

Here, MDHHS testified that it did not receive proof of Petitioner's employment by the deadline. Petitioner testified that she was having trouble obtaining the proof from her employer. However, Petitioner did not provide testimony or other evidence to show that she contacted MDHHS prior to the deadline to request assistance or an extension. Thus,


MDHHS properly denied Petitioner's application for CDC because she failed to provide the requested verification by the deadline.

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 MDHHS acted in accordance with Department policy when it determined Petitioner's eligibility for CDC benefits.

**DECISION AND ORDER**

Accordingly, MDHHS' decision is **AFFIRMED**.

LJ/pt

  
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**Linda Jordan**  
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  
427 E Alcott St  
Kalamazoo, MI 49001

**MDHHS-Kalamazoo-Hearings@michigan.gov**

**Interested Parties**

BSC3  
L Brewer-Walraven  
C Leonard  
M Vogel  
MOAHR

**Via-First Class Mail:**

**Petitioner**

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