



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: September 26, 2024  
MOAHR Docket No.: 24-009549  
Agency No.: [REDACTED]  
Petitioner: [REDACTED]

**ADMINISTRATIVE LAW JUDGE: L. Alisyn Crawford**

**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 September 19, 2024. Petitioner was present at the hearing and represented herself. The Department of Health and Human Services (Department) was represented by Avery Smith, Assistance Payments Supervisor.

**ISSUE**

1. Did the Department properly close Petitioner's Child Development and Care (CDC) 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. Petitioner is an ongoing recipient of Medical Assistance (MA), Food Assistance Program (FAP), and CDC in a household consisting of herself and her two minor children.
2. On March 1, 2024, the Department received a completed redetermination form from Petitioner regarding CDC and MA coverage. (Exhibit A, pp. 6-13).
3. On May 6, 2024, the Department sent a Verification Checklist (VCL) concerning CDC and MA to Petitioner requesting verification by May 16, 2024 of income and employment information showing a need for CDC. (Exhibit A, pp. 14-15).
4. On June 27, 2024, the Department sent a Notice of Case Action (NOCA) to Petitioner informing her that her CDC case would close effective July 14, 2024 due to Petitioner's failure to return requested verifications. (Exhibit A, pp. 25-29).

5. On August 19, 2024, the Department received a request for hearing from Petitioner disputing the Department's actions regarding her FAP, CDC, and MA cases. (Exhibit A, pp.
6. On August 22, 2024, the Department sent a NOCA to Petitioner informing her that she was approved for \$411 FAP benefits effective August 1, 2024 for a group size of three. (Exhibit A, pp. 33-37).
7. On August 22, 2024, the Department sent a VCL to Petitioner requesting verifications related to Petitioner's CDC case. (Exhibit A, pp. 38-39). The verifications were due back to the Department on September 3, 2024. The Department received the requested documentation on September 1, 2024.

### **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).

#### **FAP**

The Food Assistance Program (FAP) [formerly known as the Food Stamp program] is established by the Food and Nutrition Act of 2008, as amended, 7 USC 2011 to 2036a and is implemented by the federal regulations contained in 7 CFR 273. The Department (formerly known as the Department of Human Services) administers FAP pursuant to MCL 400.10, the Social Welfare Act, MCL 400.1-.119b, and Mich Admin Code, R 400.3001-.3011.

Petitioner requested this hearing to dispute the Department's closure of her FAP and CDC cases, and the Department's actions regarding her MA case. Following commencement of the hearing, the Department indicated that Petitioner's FAP case was closed in error and was reinstated with no breaks in coverage. Petitioner acknowledged that there was no interruption in benefits but testified that she now had concerns regarding the approved FAP benefit amount. Because Petitioner requested a hearing on August 19, 2022 to dispute the closure of her FAP case and the Department reinstated Petitioner's FAP case and there was no lapse in coverage, the hearing request is moot and there is no justiciable issue. As such, the hearing request regarding the FAP benefits is **DISMISSED** for lack of jurisdiction. Petitioner may request a hearing to dispute her FAP benefit amount separate from this hearing based on the August 22, 2024 FAP NOCA.

#### **MA**

The Medical Assistance (MA) program is established by Title XIX of the Social Security Act, 42 USC 1396-1396w-5; 42 USC 1315; the Affordable Care Act of 2010, the collective term for the Patient Protection and Affordable Care Act, Pub. L. No. 111-148, as amended

by the Health Care and Education Reconciliation Act of 2010, Pub. L. No. 111-152; and 42 CFR 430.10-.25. The Department (formerly known as the Department of Human Services) administers the MA program pursuant to 42 CFR 435, MCL 400.10, and MCL 400.105-.112k.

In the present case, Petitioner submitted a hearing request, in part, to dispute the Department's actions regarding her MA case. At the hearing, the Department testified that Petitioner's MA case was active and pending verifications related to Petitioner's recent return to employment in August 2024. Aside from the testimony provided by the Department, no other evidence was provided regarding the status of Petitioner MA case, including whether any negative action was taken regarding Petitioner's MA coverage. As such, there was no lapse in coverage, the hearing request is moot and there is no justiciable issue. Therefore, the hearing request regarding the MA case is **DISMISSED** for lack of jurisdiction.

### **CDC**

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 the present case, Petitioner submitted a hearing request, in part, to dispute the Department's decision to close her CDC benefit case. The Department testified that Petitioner's CDC benefit case was closed in error.

On June 27, 2024, the Department sent Petitioner a Notice of Case Action informing her that her CDC benefit case was closing effective July 14, 2024 ongoing, for her failure to return employment verification. (Exhibit A, pp. 25-29). After Petitioner submitted the request for hearing, the Department testified that it reinstated, processed, and approved Petitioner's CDC case. However, outside the testimony provided at the hearing, no other information was provided to support the status of Petitioner's CDC case. More importantly, at the time of the hearing, the Department had yet to provide Petitioner with a Notice of Case Action regarding the status of her CDC case. The Department contended that Petitioner's CDC case was approved effective June 1, 2024 ongoing. However, Petitioner testified that her CDC provider was unable to complete the billing process for the care of her child.

Child Development and Care (CDC) payments are made when all of the following are true: (i) all eligibility and need requirements are met; (ii) CDC case is open in Bridges; (iii) care is provided by an eligible provider; see BEM 704 (iv) an eligible provider is assigned to the case; and (v) the provider successfully bills for hours of care. BEM 706 (April 1, 2018), p. 1. When CDC is approved, notice is sent to the client and provider. BAM 220 (November 2023), pp. 2, 6.

Although the Department informed Petitioner that her CDC provider would be able to resume billing retroactively to June 2024, because it did not produce a notice notifying Petitioner that she was approved for CDC, the Department failed to establish that it properly processed Petitioner's CDC benefit case.

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 failed to satisfy its burden of showing that it acted in accordance with Department policy when it processed Petitioner's redetermination for CDC benefits.

### **DECISION AND ORDER**

Petitioner's hearing request concerning her FAP and MA cases are **DISMISSED**.

The Department's decision related to Petitioner's CDC case 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. Determine Petitioner's eligibility for CDC benefits based on Petitioner's March 1, 2024 redetermination and any requested verifications;
2. If Petitioner is eligible for benefits, issue CDC payments to provider; and
3. Notify Petitioner of its CDC and MA decision in writing.

LC/ml

  
**L. Alisyn Crawford**  
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**

Tracey Jones  
Oakland County Southfield District III  
25620 W. 8 Mile Rd  
Southfield, MI 48033  
**MDHHS-Oakland-6303-Hearings@michigan.gov**

**Interested Parties**

BSC4  
C Leonard  
M Vogel  
L Brewer-Walraven  
MOAHR

**Via First Class Mail:**

**Petitioner**

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