



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: December 5, 2024
MOAHR Docket No.: 24-011643
Agency No.: ██████████
Petitioner: ██████████

ADMINISTRATIVE LAW JUDGE: Zainab A. Baydoun

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 November 13, 2024, from Detroit, Michigan. Petitioner appeared for the hearing and represented herself. The Department of Health and Human Services (Department) was represented by Avery Smith, Assistance Payments Supervisor.

ISSUE

Did the Department properly process Petitioner's application 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 or around ██████████ 2024, Petitioner submitted an application requesting CDC benefits.
2. On an unverified date and for an unknown reason, the Department denied Petitioner's CDC application.
3. On or around October 9, 2024, Petitioner requested a hearing disputing the denial of the CDC application. (Exhibit A, p. 3)
4. The Department concluded that Petitioner's CDC application was denied in error and initiated the reprocessing of Petitioner's CDC application.
5. On or around October 21, 2024, the Department sent Petitioner a Notice of Case Action advising that for the period of September 8, 2024, through September 21,

2024, Petitioner's two children were approved for CDC benefits for 90 authorized hours. (Exhibit A, pp. 8-11)

6. On or around November 9, 2024, the Department sent Petitioner a Notice of Case Action advising that for the period of October 20, 2024, through November 1, 2025, Petitioner's two children were approved for CDC benefits for 90 authorized hours. (Exhibit B)

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 goal of the CDC program is to support low-income families by providing access to high-quality, affordable and accessible early learning and development opportunities and to assist the family in achieving economic independence and self-sufficiency. BEM 703 (March 2024), p.1. CDC payments are made when all of the following are true: all eligibility requirements are met, a CDC case is open in Bridges, an eligible provider is assigned to the child and provides care, the provider successfully bills for child care, and payment limits have not been reached. CDC providers are paid for costs associated with child care by submitting billing through the Internet billing (I-Billing) system. BEM 706 (January 2024), p.1.

In this case, Petitioner requested a hearing disputing the Department actions with respect to her [REDACTED] 2024, CDC application. At the hearing, the Department representative testified that Petitioner's CDC application was denied in error and was reprocessed. The Department representative testified that Petitioner's CDC application should have been approved and that the action was corrected by approving CDC benefits for Petitioner's two children. In support of its testimony, the Department presented the October 21, 2024, Notice of Case Action, approving Petitioner's CDC benefits for the time period of September 8, 2024, through September 21, 2024. (Exhibit A, pp. 8-11). The Department representative also testified that according to the eligibility summary, Petitioner's CDC benefits were approved from the application date ongoing, with no lapse in coverage.

While Petitioner confirmed that she also received a notice from the Department advising her that she was approved for CDC benefits for the period between August 25, 2024, and September 7, 2024, Petitioner testified that she was informed by the CDC provider that her children were not showing as approved in the system after September 21, 2024. Petitioner testified that her CDC provider was unable to bill for CDC services provided during the time period in which she was supposed to have been approved for CDC benefits.

Although the Department presented a Notice of Case Action issued on November 9, 2024, approving CDC benefits from October 20, 2024, through November 1, 2025, the Department did not present the eligibility summary for review, and thus there was no evidence presented that Petitioner's CDC benefits were approved for the period of September 22, 2024, through October 19, 2024, or that benefits continued to be approved on an ongoing basis. The Department did not dispute that Petitioner's application should have been approved, and that there should be no lapse in CDC benefits from the application date, ongoing.

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 processed Petitioner's [REDACTED] 2024, CDC application.


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. Activate Petitioner's CDC case and supplement Petitioner and/or her provider for any CDC benefits that she was eligible to receive but did not from the [REDACTED] 2024, application date, ongoing; and
2. Notify Petitioner in writing of its decision.

ZB/ml


Zainab A. Baydoun
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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