



GRETCHEN WHITMER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
LANSING

MARLON I. BROWN, DPA
DIRECTOR

[REDACTED]
[REDACTED]
[REDACTED]

Date Mailed: January 28, 2025
MOAHR Docket No.: 24-013867
Agency No.: 125669208
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Jeffrey Kemm

HEARING DECISION

On October 1, 2024, Petitioner [REDACTED] requested a hearing to dispute public assistance benefits. As a result, a hearing was scheduled to be held on January 16, 2025. Public assistance hearings are held 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; 45 CFR 205.10; and Mich Admin Code, R 792.11002.

The parties appeared for the scheduled hearing. Petitioner appeared and represented herself. Respondent Michigan Department of Health and Human Services (Department) had Assistance Payments Supervisor Ashley Evans appear as its representative. Neither party had any additional witnesses.

Both parties provided sworn testimony, and one exhibit was admitted into evidence. A 116-page packet of documents provided by the Department was admitted into evidence collectively as Exhibit A.

ISSUES

Did the Department properly determine Petitioner's Child Development and Care (CDC) assistance eligibility?

Did the Department properly determine Petitioner's Medicaid eligibility?

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 August 26, 2024, Petitioner applied for CDC assistance from the Department. Petitioner reported in her application that she had been employed by Randstad, and Petitioner reported that she was laid off.
2. On September 13, 2024, the Department interviewed Petitioner, and Petitioner reported that she was employed by Aldi as of September 9, 2024.
3. On September 13, 2024, the Department mailed a verification checklist to Petitioner. The verification checklist instructed Petitioner to provide verification of her employment for Randstad and Aldi to the Department by September 23, 2024. The verification checklist stated, "return one of the following: last 30 days of check stubs or earnings statements, employer statement, DHS-38 verification of employment, or DHS-3569 agricultural income verification."
4. On September 23, 2024, Petitioner emailed documents to the Department in response to the Department's September 13, 2024, verification checklist. Petitioner emailed her schedule for Aldi, her lease agreement, her utility bill, four paystubs from Randstad, and a copy of a text message regarding her employment at Randstad.
5. The Department determined that it did not receive sufficient verification from Petitioner to show that she was no longer employed by Randstad.
6. On September 24, 2024, the Department denied Petitioner's application for CDC assistance because Petitioner did not provide sufficient verification to show that she was no longer employed by Randstad.
7. On September 24, 2024, the Department also closed Petitioner's Medicaid and Food Assistance Program (FAP) benefits, effective November 1, 2024, because Petitioner did not provide sufficient verification to show that she was no longer employed by Randstad.
8. On October 29, 2024, Petitioner applied for CDC assistance and Medicaid from the Department. The Department approved Petitioner for CDC assistance, effective October 20, 2024. The Department did not process Petitioner's application for Medicaid.
9. The Department has reinstated Petitioner's FAP benefits, and Petitioner is no longer disputing her FAP benefits.
10. Petitioner is disputing CDC assistance for dates prior to October 20, 2024, and Petitioner is disputing her Medicaid eligibility.

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).

CHILD CARE

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 this case, Petitioner applied for CDC assistance, and the Department mailed a verification checklist to Petitioner to obtain additional information to process her application. Verification is usually required at application/redetermination and for a reported change affecting eligibility. BAM 130 (May 1, 2024), p. 1. The Department must tell the client what verification is required, how to obtain it, and the due date. *Id.* at 3. The client must obtain required verification, but the local office must assist if the client needs and requests help. *Id.*

The verification checklist that the Department mailed to Petitioner instructed Petitioner to “return one of the following: last 30 days of check stubs or earnings statements, employer statement, DHS-38 verification of employment, or DHS-3569 agricultural income verification.” Petitioner complied with the Department’s verification checklist because Petitioner provided the last 30 days of check stubs or earnings statements to the Department. The Department’s verification checklist did not instruct Petitioner to provide proof of her loss of employment. Since Petitioner complied with the Department’s verification checklist, the Department should not have denied Petitioner’s application for CDC assistance because Petitioner did not provide sufficient verification to show that she was no longer employed by Randstad. Thus, the Department did not properly deny Petitioner’s application for CDC assistance. Therefore, the Department’s decision is reversed.

The Department must reprocess Petitioner’s August 26, 2024, CDC application. If the Department needs additional information from Petitioner to process her application, then the Department must give Petitioner a fair opportunity to provide it before the Department reprocesses her application.

MEDICAID

Medicaid is also known as Medical Assistance (MA). The Medical Assistance 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 administers the MA program pursuant to 42 CFR 435, MCL 400.10, and MCL 400.105-.112k.

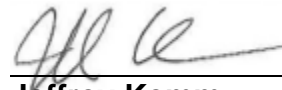
In this case, the Department closed Petitioner's Medicaid, effective November 1, 2024, because Petitioner did not provide sufficient verification to show that she was no longer employed by Randstad. As stated in the CDC assistance discussion above, the Department did not properly determine that Petitioner did not provide sufficient verification to show that she was no longer employed by Randstad. Petitioner complied with the Department's verification checklist, so the Department should not have closed Petitioner's Medicaid. Therefore, the Department must reinstate Petitioner's Medicaid, effective November 1, 2024.

DECISION AND ORDER

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 its policies and the applicable law when it determined Petitioner's CDC assistance eligibility, and the Department did not act in accordance with its policies and the applicable law when it closed Petitioner's Medicaid.

IT IS ORDERED: the Department's decision is **REVERSED**. The Department shall reprocess Petitioner's August 26, 2024, CDC application consistent with this decision, and the Department shall reinstate Petitioner's Medicaid, effective November 1, 2024. The Department shall begin to implement this decision within 10 days of the date of mailing of this hearing decision.

JK/pe



Jeffrey Kemm

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
Jeffrey Cook
Lenawee County DHHS
1040 S. Winter St., Ste. 3013
Adrian, MI 49221
MDHHS-Lenawee-Hearings@michigan.gov

Interested Parties
C. Leonard
M. Vogel
L. Brewer-Walraven
M. Shaefer
EQAD
MOAHR

Via First Class Mail:

Petitioner

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