



Date Mailed: March 19, 2025
Docket No.: 25-004010
Case No.: [REDACTED]
Petitioner: [REDACTED]

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এটি একটি গুরুত্বপূর্ণ আইনি উকুমেন্ট। দয়া করে কেউ দ্রষ্টাবেজ অনুবাদ করুন।

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这是一份重要的法律文件。请让别人翻译文件。

Ky është një dokument ligjor i rëndësishëm. Ju lutem, kini dikë ta përktheni dokumentin.

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; and Mich Admin Code, R 792.11002. After due notice, a hearing was held via telephone conference on February 18, 2025. Petitioner appeared and was unrepresented. The Michigan Department of Health and Human Services (MDHHS or Department) was represented by Jennifer Richard. Department Exhibit 1, pp. 1-20 was received and admitted.

ISSUE

Did the Department properly close Petitioner's Child Development and Care (CDC) benefit for failing to verify employment?

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 September 23, 2024, Petitioner submitted redetermination paperwork of CDC benefits.
2. On October 1, 2024, a Verification Checklist was sent to Petitioner requesting verification of employment income, due October 11, 2024.

3. On October 15, 2024, a Notice of Case Action was sent to Petitioner informing her that her CDC case was closing effective October 6, 2024, for failing to verify employment.
4. On October 15, 2024, a blank Report Changes form was sent to Petitioner.
5. On [REDACTED] 2024, Petitioner appeared at the local office questioning why her CDC case closed and submitted a new CDC application. Petitioner also submitted an employer statement.
6. On October 30, 2024, a Notice of Missing Information was sent to Petitioner informing her that she needed to resubmit her CDC application because it did not contain her name, date of birth or signature.
7. On November 19, 2024, a case comment reflects that Petitioner was told her "CDC pending need hour verification due 11/12, appears no vcl was generated". Petitioner submitted an employer statement on this day.
8. On November 26, 2024, Petitioner submitted an employer statement.
9. On December 11, 2024, Petitioner appeared at the local office and requested a hearing according to the case comments.
10. On January 17, 2025, Petitioner requested a hearing disputing the closure of her CDC case.
11. On [REDACTED] 2025, Petitioner reapplied for CDC.

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.

Timeliness of Verifications

FIP, SDA, RCA, Child Development and Care (CDC), FAP

Allow the client 10 calendar days (or other time limit specified in policy) to provide the verification that is requested. Exception: For CDC, if the client cannot provide the verification despite a reasonable effort, extend the time limit at least once. Exception: For CDC, at redetermination, if a signed redetermination form is received prior to the end of the redetermination month, and verifications are missing or incomplete, send a VCL. Verifications are due by the end of the redetermination month, or within 10 days after they are requested, whichever allows more time. Verifications are considered to be timely if received by the date they are due. For electronically transmitted verifications (fax, email or Mi Bridges document upload), the date of the transmission is the receipt date. Verifications that are submitted after the close of regular business hours through the drop box or by delivery of a MDHHS representative are considered to be received the next business day. Send a negative action notice when:

- The client indicates refusal to provide a verification, or
- The time period given has elapsed and the client has not made a reasonable effort to provide it. BAM 130

In this case, Petitioner submitted redetermination paperwork on September 23, 2024. On October 1, 2024, a Verification Checklist with an October 11, 2024, due date was purportedly sent to Petitioner requesting verification of employment. Petitioner's CDC redetermination month was October 2024. According to BAM 130, for CDC, "Verifications are due by the end of the redetermination month, or within 10 days after they are requested, whichever allows more time." Therefore, the earliest deadline on the verification checklist sent to Petitioner should have been October 31, 2024. BAM 130. Therefore, the closure of Petitioner's CDC case on October 15, 2024, effective October 6, 2024, was premature, improper and invalid. BAM 130

In addition, Petitioner credibly testified at hearing that she did not receive the verification checklist purportedly sent to her on October 1, 2024. Therefore, the closure was improper and incorrect on that basis also. BAM 130

In addition, Petitioner reapplied for CDC on [REDACTED] 2024, by submitting a paper application to the local office drop box according to the case comments provided in the hearing packet and the credible testimony of Petitioner. The [REDACTED] 2024, CDC application was not processed. A Notice of Missing Information was sent to Petitioner alleging that the application did not contain her name or signature. The Department did not make a copy of what Petitioner submitted on [REDACTED] 2024, and it was not in the electronic case file. Petitioner's [REDACTED] 2024, CDC application should have been processed.

It is curious that there is a case comment from November 19, 2024, that states "CDC pending need hour verification due 11/12, appears no vcl was generated". The Department representative testified at hearing that the [REDACTED] 2024, application

was not processed and Petitioner's CDC case closed on October 15, 2024. A case comment from November 19, 2024, noting that CDC was "pending" contradicts that testimony and suggests that the Department was very confused about the status of Petitioner's CDC benefit.

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 failed to satisfy its burden of showing that it acted in accordance with Department policy when it closed Petitioner's CDC case for failing to verify employment.

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. Reinstate Petitioner's CDC case going back to the date of closure October 6, 2024.
2. Issue CDC payments to Petitioner's provider for the day care hours she provided going back to the date of closure.

Aaron McClintic
AARON MCCLINTIC
ADMINISTRATIVE LAW JUDGE

APPEAL RIGHTS: Petitioner may appeal this Hearing Decision to the circuit court. Rules for appeals to the circuit court can be found in the Michigan Court Rules (MCR), including MCR 7.101 to MCR 7.123, available at the Michigan Courts website at courts.michigan.gov. The Michigan Office of Administrative Hearings and Rules (MOAHR) cannot provide legal advice, but assistance may be available through the State Bar of Michigan at <https://lrs.michbar.org> or Michigan Legal Help at <https://michiganlegalhelp.org>. A copy of the circuit court appeal should be sent to MOAHR. A circuit court appeal may result in a reversal of the Hearing Decision.

Either party who disagrees with this Hearing Decision may also send a written request for a rehearing and/or reconsideration to MOAHR within 30 days of the mailing date of this Hearing Decision. The request should include Petitioner's name, the docket number from page 1 of this Hearing Decision, an explanation of the specific reasons for the request, and any documents supporting the request. The request should be sent to MOAHR

- by email to MOAHR-BSD-Support@michigan.gov, OR
- by fax at (517) 763-0155, OR
- by mail addressed to

Michigan Office of Administrative Hearings and Rules
Rehearing/Reconsideration Request
P.O. Box 30639
Lansing Michigan 48909-8139

Documents sent via email are not secure and can be faxed or mailed to avoid any potential risks. Requests MOAHR receives more than 30 days from the mailing date of this Hearing Decision may be considered untimely and dismissed.

Via Electronic Mail:

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Interested Parties
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