



Date Mailed: March 25, 2025

Docket No.: 25-007263

Case No.: [REDACTED]

Petitioner: [REDACTED]

This is an important legal document. Please have someone translate the document.

هذه وثيقة قانونية مهمة. يرجى أن يكون هناك شخص ما يترجم المستند.

এটি একটি গুরুত্বপূর্ণ আইনি ডকুমেন্ট। দয়া করে কেউ দস্তাবেজ অনুবাদ করুন।

Este es un documento legal importante. Por favor, que alguien traduzca el documento.

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 March 19, 2025, with the parties participating from a Michigan Department of Health and Human Services (MDHHS or Department) local office. Petitioner appeared and was unrepresented. The Department was represented by Julie Berg, Assistance Payment Supervisor.

ISSUE

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 and his wife (Spouse) were ongoing recipients of CDC benefits for their two minor children.
2. On October 7, 2024, Petitioner submitted to the Department a renewal form for CDC with a renewal date of November 30, 2024. (Exhibit A, pp. 4-5)

-
-
- a. Petitioner reported that he needed CDC so that he and Spouse could participate in work and high school or GED completion/education. (Exhibit A, p. 4)
 - b. Petitioner reported that he was employed by [REDACTED] and Spouse was employed by [REDACTED] (Exhibit A, p. 4)
 3. On October 29, 2024, the Department sent Petitioner a verification checklist (VCL) requesting verification by November 8, 2025 of Petitioner's CDC need for high school completion and his and wife's employment wages. (Exhibit A, pp. 6-7)
 4. On November 7, the Department received (i) a statement by [REDACTED] that Petitioner attended programs Monday through Thursday from 9:45 am to 1:30 pm and 3:30 pm to 6:30 pm and Friday from 9:45 am to 12:30 pm and received a \$2,000 monthly stipend and (ii) two paystubs from Spouse's employment with [REDACTED] where she is paid biweekly.
 5. On November 9, 2024, the Department sent Petitioner a Notice of Case Action that notified him that (i) CDC was approved for both minor children from August 25, 2024 to October 5, 2024, (ii) his case was closed but the children were eligible for CDC until December 14, 2024 due to Petitioner's employment need reason, and (iii) the CDC case was closed from October 6, 2024 ongoing because Petitioner failed to verify requested information.
 6. On an unknown date, the Department received Petitioner's hearing request disputing the CDC case closure. (Exhibit A, p. 3)

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.

Petitioner requested a hearing to dispute the closure of his CDC case. As a preliminary matter, it is noted that the Department's hearing summary indicates that it received Petitioner's hearing request disputing the closure of his CDC case on February 12,

2025, which is more than 90 days after the Department sent the November 9, 2024 Notice of Case Action notifying Petitioner of the case closure. Department policy provides that the Department must receive a request for hearing within 90 calendar days from the date of the written notice of case action in dispute. BAM 600 (June 2024), p. 7. However, the Department did not stamp the date it received Petitioner's hearing request on the document. Further, the Department did not challenge the hearing request as untimely to allow Petitioner the opportunity to respond. Accordingly, it is found that Petitioner's hearing request is timely.

At the hearing, the Department explained that Petitioner's CDC case was closed because Petitioner failed to provide verification of his and Spouse's employment wages and his need for CDC to participate in high school completion.

Except for CDC groups with individuals who are involved with children's protective services or foster care; who receive Family Independence Program (FIP) or Supplemental Security Income (SSI); or who are migrant farmworkers or homeless, to be eligible for CDC, the group must establish income eligibility. BEM 703 (October 2024), pp. 13-16. Income-eligible groups must also have a valid need. BEM 702, p. 16. Valid need reasons consist of:

- family preservation (a parent is unavailable because they are participating in a court-ordered activity, the treatment activity of another CDC group member, or employment or education need that is part of the child protective services or foster care services case plan or they have a condition for which they are being treated by a physician that makes them unable to provide care);
- high school completion (including general educational development (GED), adult basic education (ABE) or English as a second language (ESL) classes);
- an approved activity, including employment preparation and/or training activity or post-secondary education approved by, among others, the Department or the Michigan Department of Lifelong Education, Advancement and Potential (MiLEAP), CDC office; and
- employment.

For income-eligible CDC groups, need, need hours, and income must be verified at redetermination. BEM 703, pp. 13, 16; BEM 702 (October 2024), p. 3. In two-parent households, both parents' need reasons must be verified at redetermination with the appropriate verification. BEM 703, p. 5. The Department must use a VCL to notify the client of what verifications are needed and the list of acceptable verification sources for each specific eligibility factor. BEM 702, p. 1. The client is responsible for obtaining the requested verifications needed to determine eligibility. BEM 702, p. 1.

Here, the Department sent Petitioner a VCL requesting by November 8, 2024, verification of Petitioner's employment wages from [REDACTED] Spouse's employment wages from [REDACTED] and Petitioner's class schedule or DHS-4578, CDC education verification, to verify that CDC was needed for high school completion. On November 9, 2024, the Department sent Petitioner a Notice of Case Action that, in part, notified him that his

CDC case closed because he had failed to provide verifications requested in the VCL. However, at the hearing, the Department acknowledged that on November 7, 2024, the day before the VCL due date, it received from Petitioner two paystubs for Spouse, who was paid biweekly, and a statement from [REDACTED] stating that Petitioner participated in its program Monday through Thursday, 9:45 am to 1:30 pm and 3:30 pm to 6:30 pm and Friday, 9:45 am to 12:30 pm and was paid a [REDACTED] monthly stipend. While the Department tried to argue that the statement amounted to a work verification, not a school verification, no copy of the statement was provided for review, and, based on the hearing summary that concluded that the case closure was due to failure to provide any verifications, it does not appear that the Department processed the verifications it received from Petitioner on November 7. It is noted that in the renewal Petitioner identified a need for CDC due both to high school completion and employment, but with respect to the employment need, the VCL only requested income information, and not hours. Therefore, it does not appear that the Department requested adequate verifications to assess a CDC need due to employment.

Further, Petitioner testified that he received a stipend from [REDACTED] for studying there and expected to receive a job-related certification when he completed his studies. While the Department indicated that it could not determine whether Petitioner studied at [REDACTED] or was employed there, there was no evidence that the Department made a collateral contact with [REDACTED] for clarification or gave Petitioner a reasonable opportunity to resolve any discrepancy between his statements and information from [REDACTED]. See BAM 130 (May 2024), pp. 3, 9. Therefore, the Department did not act in accordance with Department policy in closing Petitioner's CDC case when (i) it did not process the received verifications, (ii) it did not establish that it considered employment as the basis for CDC need, and (iii) did not seek clarification of Petitioner's relationship with [REDACTED].

Petitioner also raised concerns about the date that the CDC case closed. The November 9, 2024, Notice of Case Action notifying Petitioner of the closure of his CDC case was inconsistent, indicating that the case closed for both children effective October 6, 2024 but that both children were eligible for CDC through December 14, 2024. The Department was unable to confirm when the CDC case closed. However, Department policy provides that once CDC eligibility has been determined, the children remain eligible for the entire 12-month certification period except if one of the following circumstances applies:

- the client requests closure;
- the client cannot be located;
- there is substantiated welfare fraud or an intentional program violation sanction;
- Michigan residency is lost;
- income exceeds the eligibility scale in RFT 270 and the income increase is not "Temporary Excess Income" as defined in BEM 505;
- the only authorized child ages out or leaves the household;
- the only parent on the case leaves the household and no longer resides with the authorized child;
- a minor parent, active on legal guardian's case, turns 18;

- assets exceed \$1 million; or
- a case correction that results in closure.

BEM 703 (October 2024), p. 1; BAM 220 (November 2023), p. 21.

There was no evidence presented in this case that any of the circumstances warranting closure of Petitioner's CDC case prior to the expiration of the CDC certification period were present. The redetermination/renewal Petitioner submitted to the Department indicated that the renewal due date was November 30, 2024. Therefore, the Department also did not act in accordance with Department policy to the extent it closed Petitioner's CDC case prior to December 1, 2024.

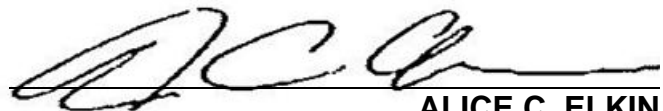
DECISION AND ORDER

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 Department policy when it closed Petitioner's CDC case.

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. Provide Petitioner with CDC coverage for October 6, 2024 through November 30, 2025 and allow his CDC provider to bill for services during that period in accordance with Department policy if services were rendered;
2. Redetermine Petitioner's CDC eligibility for December 1, 2024 ongoing;
3. If eligible, provide Petitioner's CDC provider with CDC benefits from December 1, 2024 ongoing in accordance with Department policy; and
4. Notify Petitioner in writing of its decision.



ALICE C. ELKIN
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:

Respondent

OAKLAND COUNTY DHHS - SOUTHFIELD DIST
25620 W 8 MILE RD
SOUTHFIELD, MI 48033

MDHHS-OAKLAND-6303-HEARINGS@MICHIGAN.GOV

Interested Parties

BSC4
B CABANAW
M HOLDEN
MOAHR

Via First Class Mail:

Petitioner

[REDACTED]
[REDACTED]
[REDACTED] MI [REDACTED]