

STATE OF MICHIGAN
STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES

ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF: [REDACTED]

Claimant

Reg. No: 2008-30363

Issue No: 6019

Case No: [REDACTED]

Load No: [REDACTED]

Hearing Date:

October 21, 2009

Muskegon County DHS

ADMINISTRATIVE LAW JUDGE: Colleen Lack

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9; and MCL 400.37 upon claimant's request for a hearing. After due notice, a telephone hearing was held on October 21, 2009. Claimant appeared and testified. Brenda Hodson, FIM, appeared on behalf of the department.

ISSUE

Did the Department of Human Services (department) properly deny claimant's Child Development and Care (CDC) application because need did not exist?

FINDINGS OF FACT

The Administrative Law Judge, based upon the competent, material and substantial evidence on the whole record, finds as material fact:

- (1) Claimant applied for CDC benefits on August 6, 2008.
- (2) A DHS-38 Verification of Employment was returned indicating claimant had been terminated on August 6, 2008. (Department Exhibit 1, pgs. 2-3)

(3) On August 20, 2008 the department denied the CDC application because it was submitted on the same day claimant's employment ended. (Department Exhibit 1, pg. 9)

(4) Claimant filed a hearing request to contest the CDC determination on August 27, 2009.

CONCLUSIONS OF LAW

The Child Development and Care program is established by Titles IVA, IVE and XX of the Social Security Act, the Child Care and Development Block Grant of 1990 and the Personal Responsibility and Work Opportunity Reconciliation Act of 1996. The program is implemented by Title 45 of the Code of Federal Regulations, Parts 98 and 99. The Department of Human Services (DHS or department) provides services to adults and children pursuant to MCL 400.14(1) and MAC R 400.5001-5015. Department policies are found in the Program Administrative Manual (PAM), the Program Eligibility Manual (PEM) and the Program Reference Manuals.

The goal of the Child Development and Care (CDC) program is to preserve the family unit and to promote its economic independence and self-sufficiency by promoting safe, affordable, accessible, quality child care for qualified Michigan families. The Department of Human Services (DHS) may provide payment for child care services for qualifying families when the parent(s)/substitute parent(s) is unavailable to provide the child care because of employment, education and/or because of a health/social condition for which treatment is being received and care is provided by an eligible provider. PEM, Item 703, p. 1.

Eligibility for Child Development and Care services exists when the Department has established all of the following:

- a signed application requesting CDC services, and

- each parent/substitute parent is a member of a valid eligibility group, and
- each parent/substitute parent meets the need (Reason) criteria as outlined in policy, and
- an eligible provider is providing the care, and
- all eligibility requirements are met.

PEM, Item 703, p. 1.

There are four CDC need reasons in department policy. Each parent/substitute parent of the child needing care must have a valid need reason during the time child care is requested. Each need reason must be verified and exists only when each parent/substitute parent is unavailable to provide the care because of family preservation, high school completion, an approved activity, or employment. PEM, Item 703, p. 3.

In the present case, claimant filed the CDC application on August 6, 2008 indicating the benefits were needed because of employment. (Department Exhibit 1, pg. 1) The department requested employment verification as required by PEM 703. When the employment verification was received, it documented that claimant was fired on August 6, 2008, the date of her application. (Department Exhibit 1, pgs. 2-3) Accordingly, the claimant did not meet the need requirement for CDC benefits and the department properly denied the CDC application.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the claimant did not meet the need requirement for the CDC program because her employment terminated on the date of her CDC application.

Accordingly, the department's CDC determination is AFFIRMED.

/s/ _____
Colleen Lack
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: October 29, 2009

Date Mailed: October 29, 2009

NOTICE: Administrative Hearings may order a rehearing or reconsideration on either its own motion or at the request of a party within 30 days of the mailing date of this Decision and Order. Administrative Hearings will not order a rehearing or reconsideration on the Department's motion where the final decision cannot be implemented within 90 days of the filing of the original request.

The Claimant may appeal the Decision and Order to Circuit Court within 30 days of the mailing of the Decision and Order or, if a timely request for rehearing was made, within 30 days of the mailing date of the rehearing decision.

CL/cv

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