

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.: 2008-31572

Issue No.: 6019

Case No.: [REDACTED]

Load No.: [REDACTED]

Hearing Date:

April 19, 2010

Wayne County DHS (17)

ADMINISTRATIVE LAW JUDGE: Michael J. Bennane

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9; MSA 16.409 and MCL 400.37; MSA 16.437 upon the claimant's request for a hearing. After due notice a telephone hearing was held on April 19, 2010. The claimant personally appeared and testified.

ISSUE

Did the Department properly deny the claimant's Child Care (CDC) application?

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 July 3, 2008, the claimant applied for CDC.
2. The department requested various documentation including drivers license and social security card for the care giver.
3. On August 1, 2008, the department denied the CDC application.
4. On August 21, 2008, the claimant filed a request for a hearing.

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 (formerly known as the Family Independence Agency) provides services to adults and children pursuant to MCL 400.14(1) and MAC R 400.5001-5015. Department policies are contained in the Program Administrative Manual (PAM), the Program Eligibility Manual (PEM) and the Program Reference Manual (PRM).

The claimant filed for CDC on September 24, 2008. The department requested various documentation before CDC began. At the hearing, the claimant produced documentation showing that the proposed care provider had applied for a social security card.

ELIGIBLE PROVIDERS

In order for DHS to pay, care must be provided in Michigan by an eligible provider. Eligible providers are those regulated by DHS, Bureau of Children and Adult Licensing (BCAL), or enrolled by DHS. Those regulated by the BCAL are:

- Child care centers.
- Family child care homes.
- Group child care homes. (PEM 704, p.1).

In the instant case the proposed care giver did not qualify to be paid for providing child care.

This ALJ finds that the department could not certify the proposed provider. The department is found to have correctly denied the claimant's CDC application.

DECISION AND ORDER

The Administrative Law Judge, based on the above findings of fact and conclusions of law, AFFIRMS the Department's actions in the instant case.



Michael J. Bennane
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: 5/19/2010

Date Mailed: 5/19/2010

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 receipt of the Decision and Order or, if a timely request for rehearing was made, within 30 days of the receipt date of the rehearing decision.

MJB/jlg

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