

STATE OF MICHIGAN
STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES
ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF:

[REDACTED]

Reg. No.: 20092685
Issue No.: 6019
Case No.: [REDACTED]
Load No.: [REDACTED]
Hearing Date: August 9, 2010
Wayne County DHS

ADMINISTRATIVE LAW JUDGE: Christian Gardocki

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37 upon the claimant's request for a hearing. After due notice, a telephone hearing was held on August 9, 2010. The claimant appeared and testified. On behalf of Department of Human Services (DHS), [REDACTED], Manager, and [REDACTED], Specialist, appeared and testified.

ISSUE

Whether DHS properly processed Claimant's eligibility for Child Development and Care (CDC) benefits beginning 8/22/08.

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 8/22/08.
2. Claimant is the parent of three children, [REDACTED] (DOB 5/22/98), [REDACTED] (DOB 9/28/01) and [REDACTED] (DOB 8/30/07).
3. As of 8/22/08, Claimant was employed as a dental hygienist and her spouse was self-employed as a barber.
4. On an unspecified date, DHS approved Claimant to be income-eligible for CDC benefits.
5. Claimant selected her mother, [REDACTED], as the CDC provider for all three of her children.

6. On an unspecified date, DHS activated Claimant's CDC benefits but only authorized Claimant's CDC provider to bill for one of her three children.
7. DHS told Claimant's CDC provider that if Claimant was responsible for all three children, Claimant's CDC provider should wait to bill for her CDC hours when all three children were added to Claimant's CDC case.
8. Claimant requested a hearing on 10/3/08 concerning the DHS decision authorizing only one of her children being authorized for CDC payment.
9. Claimant complained to DHS about not authorizing CDC payments for two of her children but was told that nothing could be done pending the outcome of the 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 Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Bridges Reference Manual (BRM). At the time of Claimant's CDC application, DHS policies were contained in the Policy Administrative Manual (PAM) and the Policy Eligibility Manual (PEM). 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. PEM 703 at 1.

Eligibility for CDC services exists when DHS has established all of the following: there is a signed application requesting CDC services, each parent/substitute parent (see Parent/Substitute Parent section in this item) is a member of a valid eligibility group, each parent/substitute parent (P/SP) meets the need criteria, an eligible provider is providing the care and all eligibility requirements are met. *Id.*

In the present case, DHS was unable to provide any evidence relating to Claimant's CDC eligibility. DHS did not present the application requesting CDC benefits or a budget regarding Claimant's income-eligibility. Most importantly, DHS could not provide any explanation as to why only one of Claimant's children was authorized for CDC payment.

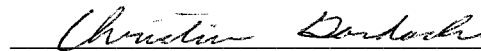
Similarly Claimant did not provide any documentation relating to her eligibility. Claimant did not submit verification of her income or the hours for which CDC benefits were needed.

As neither Claimant nor DHS were able to establish Claimant's eligibility (or lack of eligibility) for CDC benefits, it is only appropriate that DHS reinstate Claimant's 8/22/08 request for CDC benefits and to process it in accordance with their policies. As part of the process, DHS may require Claimant to submit income verifications that are two years old to establish Claimant's income eligibility for CDC benefits. Understandably, Claimant may have some difficulty in obtaining two year old income verifications. Because of the age of verifications requested, DHS should be exceptionally lenient in the enforcement of due dates concerning such verification requests.

DECISION AND ORDER

The actions taken by DHS are REVERSED. The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that DHS improperly processed Claimant's CDC benefits application beginning 8/2008. It is ordered that DHS reinstate Claimant's 8/22/08 application for CDC benefits and to process Claimant's request in accordance with their policies.

/s/



Christian Gardocki
Administrative Law Judge
For Ismael Ahmed, Director
Department of Human Services

Date Signed: August 13, 2010

Date Mailed: August 13, 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 mailing 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.

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