

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: 2009-17628
Issue No: 6019
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
May 13, 2010
Calhoun County DHS

ADMINISTRATIVE LAW JUDGE: Kevin Scully

HEARING DECISION

This matter is before the undersigned Administrative Law Judge by authority of MCL 400.9 and MCL 400.37. Claimant's request for a hearing was received on January 30, 2009. After due notice, a telephone hearing was held on Thursday, May 13, 2010.

ISSUE

Whether the Department of Human Services (Department) properly determined the Claimant's eligibility as a childcare provider for childcare subsidized by the Child Development and Care (CDC) program?

FINDINGS OF FACT

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

(1) The Claimant submitted a daycare aide provider application to the Department on July 13, 2009.

- (2) The Claimant reported no criminal convictions on her application.
- (3) The Department conducted a criminal background check on [REDACTED].
- (4) The criminal background check revealed a conviction in the [REDACTED] [REDACTED] for [REDACTED]

(5) On July 23, 2009, the Department denied the Claimant's daycare aide provider application for failure to disclose a conviction.

(6) The Department received the Claimant's request for a hearing on February 23, 2009, protesting the denial of her daycare aide provider application.

CONCLUSIONS OF LAW

The Child Development and Care (CDC) 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 Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM), Reference Table Manual (RFT), and the Bridges Reference Manual (BRM).

The Department must conduct a criminal background check on all daycare aide applicants. BEM 704. Providers or applicants whose enrollment is denied or terminated as a result of a criminal conviction or pending crime may request an administrative review.

BEM 704. The Department shall deny applicants that fail to disclose their criminal background.

BEM 704.

In this case, the Claimant submitted an application to be a daycare aide provider for Department subsidized daycare. The Claimant indicated on this application that she had not been convicted of a crime. However, a criminal background check requested by the Department revealed a conviction for [REDACTED]. Based on the testimony and documentation offered at the hearing this Administrative Law Judge finds that the Department has established that it acted in accordance with policy when it denied the Claimant's childcare aide provider application.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the Department acted in accordance with policy when it denied the Claimant's childcare aide provider application.

The Department's FIP benefit termination is AFFIRMED. It is SO ORDERED.

/s/ _____
Kevin Scully
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: May 20, 2010

Date Mailed: May 21, 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 60 days of the filing of the original request.

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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.

KS/vc

cc:

