

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: 2009-33153
Issue No: 6019
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
September 15, 2009
Genesee County DHS

ADMINISTRATIVE LAW JUDGE: Suzanne L. Keegstra

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 hearing was held on September 15, 2009. The claimant personally appeared and provided testimony.

ISSUE

Did the department properly handle the claimant's request for Child Development and Care (CDC) benefits?

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 attended a Family Independence Program (FIP) appointment on May 19, 2009. At that appointment, the claimant inquired about receiving CDC assistance while he was attending school. The claimant was informed by the department that once he began attending either Work First/Jobs, Education and Training (WF/JET) or Michigan Rehabilitative

Services (MRS), that his application for CDC could be considered. The CDC application process was explained to the claimant and the forms were provided to him. (Department Exhibit 3).

2. On May 19, 2009, the claimant was mailed a Verification Checklist (DHS-3503) that requested a driver's license and social security card for his daycare provider; the DHS-4025 Child Care Provider Verification or DHS-220-R Relative Care Provider Application. This form states at the bottom, "Please also complete and return the day care application and return all forms that were sent to you as we agreed as part of your plan of action for participation by 6/1/2009. Thank you." The materials were due to the department by June 1, 2009. (Department Exhibit 5).

3. The department also had their "central print" department in Lansing mail the client a Child Care Provider Verification form (DHS-4025) and a Relative Care Provider Application (DHS-220-R). (Department Exhibit 6).

4. The only form the department received from the claimant was the Child Development and Care application (DHS-4583). This form was not received until June 15, 2009, and it was not completed properly. The form listed a [REDACTED] as the applicant for the program and included only her information (employment, income, living arrangements, etc). The application was to have been filled out by the claimant, [REDACTED], and the Child Care Provider Verification form was to have been completed by the CDC provider. (Department Exhibit 9).

5. The claimant requested a hearing on the CDC program on June 30, 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 contained in the Program Administrative Manual (PAM), the Program Eligibility Manual (PEM) and the Program Reference Manual (PRM).

Department policy states:

INTRODUCTION

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

- . There is a **signed application** requesting CDC services, **and**
- . each parent/substitute parent (see Parent/Substitute Parent section in this item) is a member of a valid **ELIGIBILITY GROUP, and**
- . each parent/substitute parent (P/SP) meets the **NEED (Reason)** criteria as outlined in this item, **and**
- . an eligible provider is providing the care, **and**
- . all eligibility requirements are met. PEM, Item 703, p. 1

In this case, the claimant indicates that he needs CDC benefits to attend college classes. The department agreed to provide CDC services for the claimant if he participated with either WF/JET or MRS as a condition of his FIP eligibility. The claimant attended a meeting with the

department in which he was provided the documents to complete for CDC services and explained the process.

The department never received the required applications back from the claimant to process his CDC application. The only form the department received was a CDC Application (DHS-4583) on June 15, 2009, that was completed with a [REDACTED] as the applicant. [REDACTED] was the individual who was the applicant, not [REDACTED]. [REDACTED] is presumably the CDC provider, but she submitted no Child Care Provider Verification form.

Department policy indicates that eligibility for CDC exists when there is a **signed application** requesting CDC services. PEM 703. In this case, there was no signed application from the claimant requesting CDC services, despite the claimant receiving the forms at least twice and being explained to him personally by a department staff member. Thus, the department had no application from the claimant for CDC to process or act on.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the department properly handled the claimant's CDC request. The department is not able to process or act on an application that was not submitted and signed by the claimant.

Accordingly, the department's actions are UPHELD. SO ORDERED.

/s/ _____
Suzanne L. Keegstra
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: December 16, 2009

Date Mailed: December 21, 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 receipt date of the rehearing decision.

SLK [REDACTED]

cc: [REDACTED]