

STATE OF MICHIGAN
STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES

ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF:

██████████

Claimant

Reg. No. 2009-34516

Issue No. 6019

Load No. ██████████

Hearing Date:

October 7, 2009

Wayne County DHS

ADMINISTRATIVE LAW JUDGE: Rhonda Craig

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 conducted in-person. Claimant and claimant's representative appeared.

ISSUE

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

FINDINGS OF FACT

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

1. Claimant applied for CDC on March 19, 2009. Claimant has two children ages eight and nine. Claimant requested CDC based on Family Preservation.
2. The department sent claimant a verification checklist on March 20, 2009 requesting verification of need. A Child Care Family Preservation Need Verification Form (DHS-4575) was provided.

3. The verification was due on April 6, 2009.
4. On May 22, 2009 the Verification of Need form was returned from claimant's doctor which indicated that claimant had no need for CDC if the children are in school.
5. The department failed to provide CDC based on lack of need.
6. Claimant requested a hearing contesting the denial of CDC benefits.

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 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 a subsidy for child care services for qualifying families when the parent(s)/substitute parent(s) is unavailable to provide the child care because of employment, participation in an approved activity and/or because of a health/social condition for which treatment is being received and care is provided by an eligible provider. BEM 703 There are four CDC need reasons. 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
- Employment

For family preservation CDC Payments may be approved for parents who are:

Unavailable to provide care because they are participating in a treatment activity for their health or social condition.

Unavailable to provide care because they are required to participate in the treatment activity of another member of the CDC program group, the CDC applicant or the CDC applicant's spouse who lives in the home.

Unable to provide care due to a health or social condition for which they are being treated by a physician.

Unavailable to provide care due to an educational need which is part of the foster care services plan.

Allowable conditions may include, but are not limited to the following:

- Disability Mental disturbance
- Chronic health conditions
- Drug/alcohol abuse
- Social isolation
- History of child abuse/neglect in family - poor, inadequate parenting
- Budget mismanagement
- Domestic violence

BEM 703 p. 6.

The DHS-4575, Child Care Family Preservation Need Verification, must be used to document the family preservation child care need. The form must be signed by one of the following:

A physician (MD. or D.O.).

The DHS children's protective services, foster care services, or preventive services worker if child care is needed to allow a parent/substitute parent to participate in a treatment activity as a component of an active children's protective services, foster care services or preventive services case plan.

A clinical psychologist.

A clinical social worker.

The clinical supervisor or director of a substance abuse treatment program.

A substance abuse counselor.

The specialist, for child care needed to participate in one of the allowable treatment activities, if it is a DHS-assigned Family Support Services (FSS) activity. BEM 703 pp. 6-7.

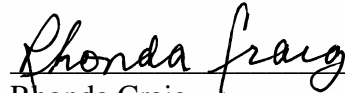
The client is responsible for obtaining any requested verifications needed to determine eligibility.

BEM 702 p. 1.

In the present case claimant applied for CDC and was provided with a verification checklist from the department requesting verification of need. This verification was due on April 6, 2009. Claimant failed to provide the verification by the due date but did provide Child Care Family Preservation Need Verification Form on May 22, 2009. The form was completed by a physician who indicated in reference to need for child care "Not needed if in school". This was competent evidence showing a lack of need for child care. Claimant therefore failed to demonstrate a need for child care. Pursuant to the aforementioned policy the department must have verification of need in order to approve a client for CDC. This Administrative Law Judge finds that the department was correct in denying claimant application for CDC based on lack of need.

DECISION AND ORDER

The Administrative law Judge, based upon the findings of fact and conclusions of law, finds that the department was correct in denying claimant's application for CDC based on lack of need and IT IS ORDERED that the departments actions be and are hereby AFFIRMED.


Rhonda Craig
Administrative Law Judge
For Ismael Ahmed, Director
Department of Human Services

Date Signed: 12/04/09

Date Mailed: 12/11/09

NOTICE: Administrative Hearings may order a rehearing or reconsideration on either its own motion or at the request of a party with 30 days of the mailing 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 with 60 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.

RC/dj

cc:

