

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: 2009-725
Issue No: 6019
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
December 17, 2009
Lapeer 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 telephone hearing was held on December 17, 2009. The claimant personally appeared and provided testimony, along with her mother, [REDACTED] and [REDACTED], a UAW Region I Service Representative.

ISSUE

Did the department properly determine that the claimant's Child Development and Care (CDC) case should be closed because the claimant's daycare provider was also providing home help services to a CDC group member in September, 2008?

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 was receiving CDC (through DHS) and Home Help Services (through DCH) when the claimant's case was reviewed in September, 2008.
2. The claimant's daycare provider, [REDACTED], was found to also be providing the home help services. (Department Exhibit 1)
3. The claimant was mailed a CDC Client Certificate/Notice (DHS-4690), informing her that her CDC benefits would end effective September 30, 2008 because a CDC provider can not also receive payment for home help to a member of the CCD program group. (Department Exhibit 1)
4. The claimant submitted the hearing request on September 23, 2008 and the negative action was reversed pending the outcome of this 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 (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 that clients are not eligible for CDC payments for care provided by a provider who also provides adult home help to any CDC program group member, the CDC applicant or the CDC applicant's spouse for the same period in which child care is provided. PEM 704.

Thus, while the claimant indicates that the department had approved her mother, [REDACTED] [REDACTED] as both the CDC and home help provider, it was not in accordance with department policy. If the department makes a mistake, it does not mean that the mistake can not later be corrected when found. Therefore, in this case, department policy does clearly prohibit [REDACTED] [REDACTED] from being paid for acting as both the CDC provider and the adult home help provider.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the department properly determined that the claimant's CDC case should close as the claimant's CDC provider also provides adult home help aid to the claimant, a CDC group member.

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

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

Date Signed: _____

Date Mailed: _____

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.

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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]