

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.: 2010-10071  
Issue No.: 6019  
Case No.: [REDACTED]  
Load No.: [REDACTED]  
Hearing Date: August 23, 2010  
Wayne County DHS (15)

**ADMINISTRATIVE LAW JUDGE:** Lynn M. Ferris

**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 23, 2010. The claimant appeared and testified. [REDACTED], ES and [REDACTED], Jet FIS worker appeared on behalf of the Department.

**ISSUE**

Whether the Department properly closed the Claimant's Child Development and Day Care (CDC) case ?

**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 applied for the Child Development and Day Care (CDC) Assistance Program in August 31, 2009. The Claimant was deemed not eligible for CDC benefits and her application was denied.
2. The Claimant's application was denied in October 2009, and the Claimant was not given a reason for the denial.
3. The Department representatives did not have the Claimant's file at the hearing.
4. At the time she applied, the Claimant had a two year old autistic child with Autism Spectrum Disorder who she sought to have placed in day care to assist with his socialization with other children.

5. The Claimant's child's doctor had recommended that he be placed in a day care situation and the doctor's letter was submitted with the application for CDC.
6. At the time of the CDC application and at the time of the hearing, the Claimant was not working and was receiving unemployment benefits in the amount of \$774 biweekly.
7. The Claimant cared for her child in her home.
8. During the hearing, the Department could not say why the Department closed the Claimant's CDC case because they did not have her file but they believed that it was because she did not qualify as she was not working and was receiving unemployment income.
9. The Claimant filed her request for hearing September 10, 2009 protesting the denial of her CDC application. The hearing request was received by the Department on September 10, 2010.

### **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).

In this matter, the Department did not have the benefit of the Claimant's file at the hearing. The Department had no first hand knowledge about what occurred in this matter. The hearing summary submitted by the department is unsigned. It does appear from the Claimant's testimony that she was unemployed at the time of her application until the present, and has continued to receive unemployment benefits. The Claimant was also told by her Department caseworker that she might be eligible for CDC on the basis of her child's medical needs. In order to resolve this matter it is necessary to review the eligibility requirements for receiving CDC.

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, page 1.

Eligibility for CDC services exists when the department 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 as outlined in this item.

An eligible provider is providing the care.

All eligibility requirements are met.

A recipient, in order to be eligible for CDC must meet all of the above requirements. In the present matter the issue of eligibility based on demonstration of need as defined by Department Policy is at issue.

Need is defined as follows:

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.

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An approved activity.  
Employment.

In order to establish eligibility for Family preservation, a Claimant has to be unable to provide care because of their own participation in a treatment program for their health or social condition. BEM 703 page 5. This category does not provide a basis to establish eligibility as this provision is based upon the parent's needs due to attendance at a treatment program.

Likewise, the Claimant was not completing high school, or employed and thus is not eligible under these criteria.

The final basis for eligibility based on need, is an approved activity which is defined as follows:

Child care payments may be approved under this need reason when a client needs child care to participate in an employment preparation and/ or training activity or a post-secondary education program. The activity or education program must be approved by one of the following:

DHS.  
MWA.  
Refugee services contractor.  
Tribal employment preparation program.  
Michigan Rehabilitation Services (MRS). BEM 703, pages 5  
- 13.

Again, this basis for need requires participation by the parent in a program like Michigan Works or Work First. Based upon the testimony of the Claimant training and employment preparation was not the basis for her application for CDC benefits.

Based on the record presented by the Department at the hearing and the credible testimony of the Claimant the Department properly denied the Claimant's CDC application as the need requirement was not met by the Claimant. This Administrative Law Judge sympathizes with the Claimant and made an exhaustive review of the Policy governing eligibility for Child Day Care and found no provision authorizing CDC benefits for the Claimant's son due to the medical need of the child when supported by a doctor's recommendation, consequently the Departments denial of the Claimant's CDC application must be upheld.

**DECISION AND ORDER**

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that the Department's denial of the Claimant's CDC application must be upheld and is AFFIRMED.



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Lynn M. Ferris  
Administrative Law Judge  
For Ismael Ahmed, Director  
Department of Human Services

Date Signed: 8/25/2010

Date Mailed: 8/25/2010

**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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